

LAND AS AN ECONOMIC EMPOWERMENT TOOL: ACCESS, CONTROL AND
OWNERSHIP OF LAND BY RURAL WOMEN IN THE MPUMALANGA PROVINCE,
SOUTH AFRICA

BY

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THESIS

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DECLARATION

I declare that Land as an economic tool: Access, control and ownership of land by rural women in Mpumalanga Province, South Africa is my own work and that all sources that I have used or quoted have been indicated and acknowledged by means of complete references. I declare that this work has not been submitted before for any degree at any institution.

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ABSTRACT

Land as an economic empowerment tool: access, ownership and control of land by rural women in the Mpumalanga Province is a case study on access to land by women within the Department of Rural Development and Land Reform. The study was undertaken in the three districts of Mpumalanga which are Ehlanzeni, Nkangala and Gert Sibande districts. The aim of the study was to evaluate the extent and nature of land ownership by women, their knowledge on land rights, the impact of access to land on women's economic status, challenges faced by women in accessing land, the effectiveness of project officers' roles in land administration with regard to women and land and societal attitudes towards women's land rights. The study also provided a guideline model on how to improve ownership of land by women.

The study was anchored on two theories, i.e feminism and theory of change. A total of two hundred and six (206) participants took part in the study. Thirty-six (36) were project officers, forty-seven (47) women who have accessed land within the Department of Rural Development and Land Reform, one hundred and twenty-three (123) members of the community and two focus groups. A qualitative research design was applied since the study was aimed at exploring and giving an in-depth analysis of the relationship between access to land and poverty amongst rural women in the Mpumalanga Province. Literature reviewed for the study indicates that women's access to land is marred by societal attitudes which subordinate women and thus affect their access to land. Women's access to land is said to be through male kinship which affects women's security of tenure should the relationship change through divorce or death. It is argued that women have use rights instead of ownership rights as men who are regarded as heads of households are the one who have rights to land. Customary practices such as wife inheritance control of women's movement by men, the unequal distribution of household labour and poor access to finance by women is quoted as having an impact on women accessing land.

The findings of the study confirm that women have poor access to land as compared to men. There are no specific programmes in government especially within the Department of Rural Development and Land Reform that target women to access land. There is also poor reporting on sex desegregated data. The limited number of women who have accessed land struggle to secure financing which is available within the Department of Rural Development and Land Reform in a form of recapitalization funds but the funds are rather given to more men than women land owners. Most women who have access to land form part of cooperatives which are marred by infighting caused by group dynamics, a phenomenon that does not affect men because it was never a requirement for them to access land. Most women are aware of their rights including land reform programmes even though most could not name legislation that dealt with land rights.

The study however confirmed that women had no knowledge of what to do to access land. Even though project officers are keen to work with women than men, their roles fail to take into cognisance women's reproductive and productive roles which affected access to women's skills development. The low literacy levels have also been quoted as having an impact on skilling women on land matters by project officers. Society is aware of women's human rights especially with regard to land. The Constitution of the Republic of South Africa's Bill of Rights has been quoted as a basis of societal acceptance of women's human rights.

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This study is dedicated to my parents, Josia Mnguni and Rebecca Mabjala Ngomane, my brothers Douglas and Sydney Ngomane, my sisters Amanda and Pretty Ngomane and my nephew Leon Ledwaba.

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LIST OF ABBREVIATIONS

CPA- Communal Property Association

DRDLR - Department of Rural Development and Land Reform

CGE - Commission for Gender Equality

SA- South Africa

CEDAW - Convention on the Elimination of all Forms of Discrimination Against Women

ANC- African National Congress

RDP- Reconstruction and Development Programme

PALAMA- Public Administration Leadership and Management Academy

PLAS - Proactive Land Acquisition Strategy

MDGs - Millennium Development Goals

ICESCR - International Covenant of Economic, Social and Cultural Rights

ICCPR - International Covenant on Civil and Political Rights

BPA - Beijing Platform for Action

ACHPR - African Charter on Human and People's Rights

LRAD - Land Redistribution for Agricultural Development

PEPUDA - Promotion of Equality and Prevention of Unfair Discrimination Act

SADC - Southern African Development Country

HSRC – Human Sciences Research Council

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CHAPTER 1: GENERAL ORIENTATION TO THE STUDY

1.1 INTRODUCTION AND BACKGROUND

Land is a key or tool to life for all people as it improves the standard of living, offers economic independence, and empowers people at a personal level. It is a tool that can be used by women to gain social status and for claiming a political voice (Duncan, 2004; Lambrou, 2005: 3; Nyukiri, 2006: 2; ICRW, 2008: 3). In many laws of the world, land is indicated as a right as it is with other rights like housing, health and equality. Rights are described as claims bound by law and socially recognisable. They can be enforced through the courts or at village level. Rights to land can be classified under three categories, i.e. (i) use rights, which are the rights to use land, (ii) control rights, which are rights to make decisions about the land, deciding on the type of crops to plant and benefits from the sale of crops, and (iii) transfer rights which include the right to sell, lease, giving the land to someone else through inheritance and making overall decisions about use and control rights. From the three rights that have been mentioned above, most women only have use rights which as indicated under transfer rights can be changed or taken away at any given moment by the person who has transfer rights, and that is usually a male person. Even if women have legal rights in connection with access to land, those rights are however not recognised socially (Agarwal, 2002: 3; Knox, Duvvury & Milici 2007: 10; CSVR, POWA & WCNOVAW, 2011: 51-58; Paradza, 2011: 2) such as the right to access, own and control of land allocation. Culturally, there are predetermined gender ideologies which describe rights and responsibilities for both men and women. Access to and control of resources such as land is mainly in the hands of men who, culturally, are seen as decision makers. These ideologies reinforce the position of women as inferior or dependent on men (Reeves & Baden, 2000:4). It can then be argued that customary practices seem inappropriate for women to own land and therefore, it would then be difficult for women to exercise such rights prohibited by social practices.

There are international instruments regulating women's property rights such as: (i) The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), (ii) Beijing Declaration, (iii) Beijing Platform for Action, (iv) Universal Declaration on Human Rights, (v) African Charter on Human and People's Rights

(Villarreal, 2006: 9; PALAMA, 2008: 36-43). It should however be noted that because legislation on women's right to access to land is both statutory and customary, that creates problems because having legal rights does not necessarily mean that such rights will be realised. Customary institutions are in the hands of men, even the local courts that women have to go to, to have their rights enforced are run by men. Since the men also come from patriarchal societies, there are chances of biasness in the implementation of laws meant to protect women.

Studies on poverty and development indicate that 80 million hectares of land has been leased for agricultural purposes but only one percent (1%) of the world's women own land (Lorber, 2010: 6; UN, 2012: 3). A study done by Moyo (2000: 21) revealed that in Zimbabwe, eighty-seven percent (87%) of registered land owners are male and less than five percent (5%) are women. The notion that only a few percentages of women have access to land, unlike their male counterparts, means that wealth is in the hands of men than women since land is equated with wealth. It is documented that an increasing proportion of the world's poor are women (Bridge, 2001:1; Moghadan, 2005: 2; Harrington & Chopra, 2010: 4). Poverty is characterised by an increase in female-headed households (Bridge, 2001: 1; Lingam, 2005: 4; Quan, 2006: 25). It can then be deduced that the increasing level of female-headed households can be attributed to lack of access to resources that can uplift their economic statuses, like land. Female-headed household phenomena is not new, especially in South Africa, women have been heading households for ages. The introduction of apartheid laws drove men to cities in search of work and most of them stayed there and started new families leaving the existing ones behind or only coming home once in a while whilst relegating their duties to women.

1.2 STATEMENT OF THE PROBLEM

Previously customary laws in South Africa with regard to marriages were governed by the Matrimonial Affairs Act of 1953 where a man was the only one who could make decisions regarding matrimonial issues. Under this law women occupied a position of subordination because they were considered minors who were under the guardianship of their husbands. The current situation however is that women have been granted full rights, including rights to own property, depending on whether they are married in community of property or out of community of property. The

Matrimonial Affairs Act of 1953 was repealed by The Recognition of Customary Marriages Act of 1998, the Maintenance of Surviving Spouse Act of 1990 and Intestate Succession Act of 1987, the latter two acts recognising women's inheritance rights (Mamashela & Xaba, 2003; Mbatha, 2005: 44-46; Ozoemena & Hansungule, 2009:3). Customary practices, however seem to supersede the availability of legislation protecting the rights of women to access and own land. Women cannot own land because culturally, it is believed that they get married and leave their families and thus regarded as outsiders, hence outsiders cannot own land belonging to another clan. Some cultures even practice "wife inheritance" where a woman is given to a brother of the deceased or any other male relative to make sure that land remains in the hands of the clan or family and does not fall into the hands of outsiders should she decide to get married. Women who accept this practice are protected from being evicted because they are seen as keeping the interest on the kinship protected (Harrington & Chopra, 2010: 6). Widows are said to be more vulnerable especially in circumstances where they do not have older male children. Studies on women and land indicate the lack of access and control over economic resources by women in Sub-Saharan Africa as one of the major reasons for gender inequality (Trip, 2004: 4; Nyukiri, 2006: 33). This is despite the signing of treaties to uphold gender equality such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action and the Millennium Development Goals. Many countries indicated their commitment in protecting and promoting women's human rights by signing these treaties but so far the implementation of what is contained in the treaties cannot be measured due to poor submission of periodic reports.

1.3 AIM OF THE STUDY

The aim of the study is to investigate access to land by rural women and the impact it has in changing their livelihoods and that of the communities.

1.4 OBJECTIVES

The objective of the study is to:

- Evaluate the extent and nature of land ownership by women in rural areas;
- Determine women's knowledge on legislation about their land rights;

- Evaluate the impact of access to land by women on their economic status;
- Investigate challenges faced by women in accessing land;
- Evaluate and analyse societal attitudes towards women's land rights;
- Determine the effectiveness of the role of project officers in land administration with regard to women's land ownership;
- Provide recommendations that would assist the government to improve access and land ownership by women.

1.5 RESEARCH QUESTIONS

The study intends to explore access to land by rural women and the impact it has in changing their livelihoods and that of the communities.

The study seeks to give answers to the following questions:

- What is the extent and nature of land ownership by rural women?
- What knowledge do women have with regard to their land rights?
- What is the extent of the impact of access to land on the economic status of rural women?
- What are the challenges faced by women in accessing land in South Africa?
- What is the attitude of society towards women's land rights?
- How effective is the role of project officers in land administration with regard to women's land ownership?

1.6 THEORETICAL PERSPECTIVE OF THE STUDY

The study will be based on two theoretical perspectives, i.e. Feminism and the Theory of Change. Feminism theory aims to understand the nature of gender inequality in terms of the social roles of women, their experiences and patriarchy with regard to access to land and other economic resources. The theory of change aims at addressing underlying causes of poverty and women's exclusion. It ensures that there is transparent distribution of power dynamics whilst ensuring actions to be taken to address inequality.

1.6.1 Feminism

Feminism refers to awareness that women are oppressed and exploited within society, in the workplace and within families. It also refers to the conscious action taken by men and women to change the situation (Pati, 2006: 14; Stanford Encyclopaedia of Philosophy, 2011: 1). Feminism derives its origin from various theoretical formulations based on historical and cultural realities and levels of consciousness, perception and action. It is not static in nature and has endured immense changes from the 17th century to date. Feminist theories according to Sarikakis, Rush, Grub-Swetnam & Lane (2009: 508) have been around for centuries although they have been silenced or distorted by mainstream research. These theories explore the relationship between being a woman and occupying certain class and roles, how women negotiate the world in terms of how they are viewed and treated by society and the wisdom inherent in negotiating the world. The manner in which women have been negotiating the world since the 16th – 17th century has had a huge impact in paving the way for modern feminists.

The body of literature mentions three waves of feminism which are the first, second and third waves. The first wave was around the 19th century in the year 1848. The main concern was about women having the right to vote and gain political and legal equality (Gillis & Munford, 2003; Krolokke & Sorensen, 2006: 2-7). The second wave formed around the 1960's. During this wave women had already won the right to vote but were only confined to domestic roles. The second wave was about fighting for social and cultural inequalities suffered by women (Mann & Huffman, 2005; Krolokke & Sorensen, 2006: 7; Mota, Fominaya, Eschle & Cox 2011; Carter, 2013). The third wave began in the 1990's and continues to this day. There is no clear definition of the contributions made by this wave. It however stood for greater influence in politics and the demolition of stereotypes about the portrayal of women by the media.

There are four perspectives of feminism which are liberal, Marxist, radical and socialist. The liberal perspective which argues that prejudice of women is based on mere ignorance by men. The perspective indicates that the only way of dealing with this ignorance is to create awareness on women's issues which will then assist in changing attitudes and behaviour that discriminates against women. The Marxist

perspective argues that the reason women are in positions of subordination is because of how men are socialised. The relationship between men and women is based on the capitalist class of employer – employee exploitation. Men are regarded as occupying the position of employers because they have decision making powers and women only relegated to positions of being servants to men. The third perspective, which is the socialist principle, focuses on the gender distribution of work. The argument is that women's reproductive work creates social marginalisation because reproductive work is regarded as menial and no value attached to it. If women are employed, they normally get fewer wages because they have to balance productive and reproductive work which makes them dependent on men economically.

The radical perspective on the other hand argue that women can free themselves from patriarchy and oppression by classing themselves together and form female support groups, form lesbian relationships and free themselves from child birth through the use of technology (Stanford Encyclopaedia of Philosophy, 2005; Pati, 2006: 14; Lindsey, 2011: 14). It can then be affirmed that, in relation to access to land, if people are expected to behave in a certain way to maintain the male-dominated gender, deviation from the 'normal' patterns of behaviour will be frowned upon. Therefore since women's position in patriarchal societies is that of dependence on men, accessing productive resources like land are a notion that will not be socially acceptable. This then affirms that even though the struggle for liberation in terms of equality by women started decades ago, much has been achieved with regard to legislation regarding equality however the cultural and customary practices seem to supersede the law. Changing societal attitudes and behaviour should be a drive for the fourth wave of feminism should there be any.

1.6.2 Theory of Change

The Pathways Theory of Change (2014) aims at addressing the underlying causes of poverty and women's exclusion. The focus is on the following domains of change; (i) capacity, (ii) productivity, (iii) household influence, and (iv) enabling environment. There is a need for a progressive legislative environment that will assist in capacitating women about their rights, address the violation of rights and create an enabling environment to offer support to women. Women need land and extensions

services on equal footing with men so that they also can contribute to the economy as they are already responsible for food security both at household and community level. Access to land will give women a voice and thus influence decision-making and bargaining powers at household level.

1.6.2.1 Capacity

The argument is that women need skills, knowledge and self-confidence required to succeed in their roles and responsibilities as members of families and communities (Malhotra & Schuler, 2005: 71-85; UN, 2012: 12; Republic of South Africa, 2013). From literature reviewed in this study, it has been mentioned that women who suffer the most in terms of access and ownership of land are those from rural areas. They are said to have low literacy levels as compared to their urban counterparts who seem to enjoy more land rights. It is important that women be capacitated with skills and an increase in their knowledge about land rights. The formation of women's land rights groups, land dispute tribunals, courts and other organisations that fight for the recognition of women's land rights will be beneficial for women. Landless women need to be capacitated so they know processes to follow in case of the infringement of rights.

1.6.2.2 Productivity

Women need access to and control over productive assets and services including land and financial services. A body of search indicates that productive resources like land are in the hands of men. There are various barriers mentioned to women accessing and owning land which are but not limited to traditional and customary practices. Without land women cannot access financial and other resources that will assist them in improving their productivity. It is important for women to move from small scale/backyard farming to commercial farming (Moghamad, 2005: 15; Collett & Gale, 2009: 22; Republic of South Africa, 2013).

1.6.2.3 Household influence

There is a need for women to have enhanced influence over household decision-making, especially over household division of labour and the use of household income. According to perused literature on the gender division of labour at household level, reproductive roles performed by women disadvantages them

because these roles are not seen as important and hence relegated to women whilst productive roles are relegated to men. Customary practices relegate reproductive roles like taking care of the family, fetching of firewood, water, taking care of the sick, attending community engagements like funerals, to women. These roles are important but do not have financial value placed on them unlike productive roles like making decisions about what crops to plant, access to the markets, profit made from sale of crops, which are assigned to men. It thus becomes important that the gender division of labour in the household does not disadvantage women (Reeves & Baden, 2000: 8; ECA, 2004: 69; Blackden, Canagarajah & Lawson, 2006: 5). Access to resources like land, credit and education by women has an influence on how household labour is divided. It improves women's bargaining powers both within the house and outside. It also enables women to take care of their children and contribute to the household as well as eliminating gender-based violence.

1.6.2.4 Enabling environment

Formal policies and informal cultural norms and expectations impact on women's potential and must be acknowledged and changed to achieve household resilience and women empowerment. There is dire need for behavioural, attitudinal and drastic change in norms and practices that discriminate against women in order to create an enabling environment for women to access and own land (Reeves & Baden, 2000: 4; Pathways Theory of Change, 2014). For women to have a voice, they need to be involved in important structures that determines how resources are to be distributed, what laws to put in place in terms of policies and also changes in cultural norms that impede the progress of women in all spheres.

1.7 HISTORICAL OVERVIEW OF LAND REFORM IN SOUTH AFRICA

South Africa, like most countries in Africa, has also been colonised and suffered racial domination by people of European descent. One of the characteristics of racial domination was the land dispossession of black people by ruling white minorities. Prime agricultural land was in the hands of whites whereas barren land with poor rainfall patterns was forcefully given to black people (Sebola & Tsheola, 2014; Pepeteka, 2013: 1). This affected household income and contributed to high poverty levels and thus hunger. The introduction of the Natives Land Act (No. 27 of 1913) and other racially based policies by the Apartheid Regime led to only 13% of

land area allocated to black people and the rest to whites. The aim of the 1913 Native Land Act was to allocate more land to whites, plunge black people into poverty as it prohibited any form of farming that could enable black people to be self-sufficient, thus creating a cheap pool of labour for white farmers. Black people had to migrate to farms to find work and thus left their families in the care of women (Adams, 2000: 1; FAO, 2002: 25; Rugege, 2004: 1; Thwala, 2006: 58; Kahn, 2007: 2). The end of the Apartheid era was around 1990s when the first democratically elected government was put in power by the majority of South African electorates in 1994. One would have expected things to have drastically changed for the better, however, little has been achieved in terms of land reform to benefit women and the South African black majority.

1.7.1 Legislative framework on land rights

The international and South African legislative frameworks with regard to land rights will be explored.

1.7.1.1 International Perspective

As an effort to eliminate discrimination against women and improve access to resources, a majority of countries signed treaties which are legally binding and thus enable women to have access to productive resources as well. The aim of such statutory laws is to protect the rights of women and assist with easy access to land, however, that is just in theory because it is the implementation of these laws that is a problem (Nyukuri, 2006: 21; Villarreal, 2006: 4; Federici, 2011: 1459). One such a treaty, which is regarded as a 'supreme' law or sometime referred to as the 'International Bill of Rights for Women' is CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women). One hundred and eighty-seven (187) states have ratified the Convention which then makes it legally binding for all states to conform to its provisions. In signing the treaty countries have agreed to ensure women's full social and economic development and advancement so that they have the same rights and freedom as men. CEDAW calls for incorporating the principle of equality of men and women in legal systems, tribunals and other public institutions to eliminate discrimination against women by individuals, organizations or enterprises.

Article 14 of CEDAW specifies that rural women must be included in development planning and implementation. Article 16 of the act puts emphasis on equal treatment of both women and men when it comes to land and agrarian reform. It also touches on marriage and inheritance laws that must safeguard the position of women with regards to land rights during marriage, divorce and death of a spouse. This treaty is supposed to be binding countries to implement its provisions through national reports which are supposed to be submitted every four years indicating measures taken by countries to implement provisions of the treaty. A CEDAW committee which consists of twenty-three (23) experts on women's rights around the world sits and is responsible for receiving and initiating claims of violations of rights protected under the treaty (Villarreal, 2006: 10; PALAMA, 2008: 39; UN, 2013: 5). Even though equality between men and women has been enshrined in constitutions and other legislation around the world, structural disadvantages, discrimination and gender inequalities still persist, especially for rural women (FAO, 2002: 26; Reeves & Baden, 2007; Federici, 2011: 48). This can be attributed to the fact that even if there is legislation or changes in legislation that advocates for the inclusion rather than exclusion of women, that does not mean that customary tendencies or practices have been changed. It will take a process of change in political will and a change in cultural norms to eliminate the root causes of discrimination against women.

1.7.1.2 South African Perspective

For South Africa, one of the aims of the struggle for liberation from colonialism was to regain the dispossessed land which is mostly owned by the white minority community. The introduction of the Freedom Charter of 1956, the property clause in the Constitution of South Africa, the Reconstruction and Development Programme (RDP) was some of the African National Congress (ANC) manifesto to negotiate getting the land back to its rightful owners. The intention of the RDP policy document was to undertake land reform under three auspices, i.e. (i) Restitution which meant to restore land to those disposed of it through discriminatory laws; (ii) Redistribution which was aimed at making land accessible to those who had previously been denied access and; (iii) tenure reform aimed at giving security of tenure to labour tenants, farm workers and other rural dwellers who lived on land without secure rights (Adams, 2000: 2; Hall, 2004: 12; Kahn, 2007: 5). The RDP policy also states under section (2.4.2) that, all forms of discrimination against

women's access to land should be removed. South Africa still faces serious challenges in the implementation of these three pillars as mentioned above. Designing implementable procedures from policies is a challenge because policies meant to advantage women on the ground in terms of accessing land remain unimplementable. There is also lack of political accountability about women's access to land (Walker, 2002: 55; Kahn, 2007: 6, Paradza, 2011a: 1). South Africa has however made progress in that it established the Department of Women, Children and People with Disabilities as body to monitor government departments and civil society with regard to gender mainstreaming. There are also offices like the Office of the Status of Women which sits in the Office of the Premier in all provinces and the Commission for Gender Equality, who also do the monitoring work.

1.7.2 Barriers to women's access to land

Despite the provision of laws and ratified treaties, women are still the ones who suffer from discrimination, which is caused by customary and religious laws that seems to overrule property laws and constitutions. Religion, politics and gender equality are currently intertwined because even though statutory laws are supposed to be 'superior', the implementation of such laws happens within the social context. This is because claims about religion are mostly based on 'conscience' and 'conviction' and thus seems to be exempted from other laws. This puts women's equality issues in jeopardy because of the patriarchal nature that forms religion. The results of a study by Landesa for UN-Women (UN-Women, 2013:17) concluded that the Hindi religion does not recognise the rights of women to inherit land even though there is a Hindu Succession (Amendment) Act of 2005 which advocates for the rights of women to inherit land (Seguino & Lovinsky, 2009: 1, Dustin, 2012: 1). Access, control and ownership of land and other productive resources is crucial not just as an economic tool but as a right to equality. One cannot begin to address land in isolation from sustainable development which is linked to food security. It is difficult for women to access land but most women who have accessed land do so due to their relationship with men either through marriage or family ties.

Studies indicate that women who access land directly are few (Steinzor, 2003: 2; Kambarami, 2006: 6; ICRW, 2008: 10). Access to land by women is normally through male kinship. Kinship can be in a form of a marriage relationship, through

her sons, father or any male relative as long as they give consent. This is because patriarchy dictates that men are head of families (Walker; 2002: 15; Duncan & Brants, 2004: 10; ECA, 2004: 69; Nyukuri, 2006: 18; Paradza, 2011a: 2). It can be argued that unmarried women, widows, childless women or women who cannot bear male children will have difficulty accessing land since there won't be anyone to veto for them. If male kinship feels threatened or do not want to change the way their society functions by allowing women to own land, they may not give consent that a woman have access to land.

Most women are said to have access to land but the access only limited to working the land but not making decisions about it. The decision to either dispose of the land, lease it or decisions about wealth that comes from working on the land is left to men. This then leads us to the issue of control. Unless women have title deeds to the land they have accessed (ownership), should there be disputes regarding the land, the process will be sorted in a fair manner since she will be able to go to court for assistance. If she doesn't have a title deed, her ownership is precarious (Ellis, Cutura, Dione, Gillson, Manuel, & Thongori, 2007: 30; Bezabih & Holden, 2010). The situation at present is that most women have access to land through title deeds. They are able to form groups and use group savings to purchase land. These groups of women are mostly those who are educated and live in urban areas than rural women who have low literacy levels. According to UN report (2012: 10) and World Bank (2013:5), barriers in accessing land by rural women include (i) the exclusion of women when designing programmes., (ii) lack of awareness of rights due to low literacy levels, (iii) inability to access information on land reform programmes, (iv) gender-biased officers who come from patriarchal societies and thus treat women unequally to men, and (v) cultural, religious, community and family dynamics that discriminate against women.

Many widows loose their spouses due to the HIV and AIDS pandemic. The tendency is that in patrilineal societies, when men die and leave land in the hand of their wives, the widows suffer in the hand of male relatives who forcefully grab the land away from them and expel them from the land (FAO, 2002: 15; Walker, 2002: 29; ECA, 2004: 48; Harrington & Chopra, 2010: 7; Paradza, 2011: 4). In many instances the widows will be accused of killing their husbands because it seems like men do not just die, when they do they are supposedly killed by their wives. That

seems to give relatives a right to expel or grab the land away for the widow. It can then be deduced that even the community where widows stay will not help her because it will be against the cultural practices that women cannot own land, thus leaving her to fend for herself and her children.

A survey done by Landesa for UN Women from September to October 2011 in India on knowledge of laws governing marriages, women's knowledge on property rights during or after the death of a spouse or divorce, demonstrated that most women had no knowledge of their property rights and because during the study they indicated that they had no right to the property. This however was not the case amongst women whose literacy levels were higher as they turned out to know their property rights (UN, 2012:12-14, Paradza, 2011a: 11). Ownership may not necessarily mean control because for a woman to dispose of the land she has acquired, she needs consent from a male person (Agarwal, 2002: 3; Deere & Doss, 2006: 29; Kathewera-Banda, Kamanga-Njikho, Malera, Mauluka, Mazinga & Ndlovu, 2011: 25). It thus becomes important that the kind of rights to land a woman have be effective in that it should not just be in theory but in practice as well. This will enable women walk away should their marital relationships with men turn sour or violent.

Women accessing land through inheritance also experience problems because their husbands will not leave their land in the hands of women, but in the hands of their sons or male relatives (FAO, 2002: 21; ECA, 2004: 48). There are two types of inheritance, i.e. matrilineal which refers to inheritance through mothers to blood relatives and patrilineal which refers to inheritance through fathers to blood relatives. Most women who inherit land do so under his type of inheritance. It is however interesting to note that women's rights fall off should they get married. It can then be argued that a change in a woman's marital status will impact on her negatively because she will lose the land she has inherited matrilineally.

Patrilineal inheritance on the other hand seems harsh as it excludes women from inheriting land. This inheritance system ensures that land stay in the hands of the lineage. When a man dies his share of the land goes to his children, especially male children. Should daughters inherit land through the patrilineal system, the share of land left is always very small when compared to that of male children. Should land be left in the hands of a woman, when she dies the inheritance reverts back to the

lineage (Walker, 2002: 18; ECA, 2004: 71; Duncan & Brants, 2004: 9; Nyukuri, 2006: 21). According to FAO (2002: 30), for women to access land there should be huge changes in laws and negative societal attitudes towards women owning land. This will increase the security of tenure for women. Women with secure land rights are less likely to become vulnerable and dependant on other people for their survival. They are less likely to suffer the calamity of being evicted from land they have inherited or own. They are also less likely to be inherited as wives should their spouses die. Secure land rights for women ensure that the livelihoods of their families are taken care of. It is important to note that even though most patrilineal systems exclude women from inheriting land, there are women who inherit land through the patrilineal systems even though most women inherit land through matrilineal system. Women are not a homogenous group and it will thus be incorrect to assume that all women do not enjoy their inheritance rights under either patrilineal or matrilineal systems.

1.7.3 Societal attitude towards women's land rights

When social responsibilities are deeply entrenched and defined along gender lines, it becomes very difficult for women to deviate from what is socially acceptable. In patriarchal societies, husbands are supposed to take care of their families hence they are regarded as head of households. These cultural patterns according to Agarwal (1994: 1463) and Moghamad (2005: 15) help perpetuate household and community poverty. Such traditions do not allow women to own land and thus make them second class citizens in their countries of birth. Interactions with government officials regarding programmes available to assist women access control and own land is indicated as crucial because women's knowledge would open doors for access to resources available to assist them (UN, 2005: 4-9; UN, 2012: 22). One difficulty for women to access productive resources is because men's work is overrated whereas work done by women is mostly underrated. Women are mostly engrossed in reproductive work which cannot be measured in monetary terms, so value is then placed on men's work instead. In the main, this means that men will have access to productive resources like capital and extension services than women (Reeves & Baden, 2000: 8; ECA, 2004: 69; Blackden, Canagarajah & Lawson, 2006:5). It can then be deduced that women's inability to access productive resources is also attributed to the reproductive roles they are given which are due to

the unequal division of household labour, leads to poverty amongst them. Women's work which also extends to agriculture in the informal sectors is not valued. Women have been known to organise themselves into groups and help each other during weeding and harvesting seasons.

1.7.4 Security of tenure

According to reviewed literature on access and ownership of land in this study, there are four categories of land tenure i.e. (i) private rights where rights to land belong to an individual, a married couple, a group of people or an organisation; (ii) communal rights where rights are bestowed upon each member of the community to use the land; (iii) Open access rights where there are no rights bestowed upon anyone but everyone allowed to utilise the land; and (iv) State rights where rights are bestowed upon the government or any other authority in the public sector. In South Africa state land is in the authority of the Department of Rural Development and Land Reform and Municipalities. Of the four tenure rights mentioned above, it can then be argued that the infringement of women's land rights mostly occur under the private tenure rights, where marriages are placed.

Land ownership in reality, despite the beautiful laws about equality which are enshrined in most constitutions of countries all over the world, is owned and controlled by males who are said to be regarded as head of the house, irrespective of the fact that there are other people who are contributing or working on it (Federici, 2011:45-46; Paradza, 2011a: 1; World Bank, 2013:4). For women to have tenure of security, if the rights to the land are documented like having a title deed then the rights are not affected by changes like the death of a spouse, divorce or when a husband marries another wife. The rights are enforceable should a woman want access to courts if there are problems and when a woman does not need additional approval that only applies to women (FAO, 2002: 19; UN, 2012: 7). According to Walker (2003) as quoted by the ICRW, (2008: 24) women's security of land tenure depends on a woman keeping good relationships with male relatives, should such a relationship change, her security tenure is non-existent (Villarreal, 2006: 3; Kathewera-Banda, Kamanga-Njikho, Malera, Mauluka, Mazinga & Ndlovu, 2011: 12). A commissioned study conducted in India by the United Nations on women's perceptions on their tenure of security indicated that 78% of women stated that they

never felt secure about their land tenure. Issues like lack of capital, eviction by the extended family, clan or community, the death of a spouse and divorce were indicated as reasons for their insecurity regarding access, control and ownership of land (Ngwira, 2001: 7; UN, 2012:17; Berge, Kambewa, Munthali & Wigg 2014). A contrast in this notion however comes from a commissioned study conducted by ICRW, (2008: 73), in which respondents showed that they were knowledgeable about land rights because they mentioned issues having the property registered in women's names to secure rights, the drafting of a will and discussions with family members about any changes to foster good relationships with them when asked about the relative rights of a widowed woman and her adult son to the family house and land on the death of a male head. It can then be deduced from the results of the two studies that women are not a homogeneous group, therefore, lack of access to land should be looked at in the realm of class, culture, educational level, religion and country of origin. Women with secure land rights are less likely to become vulnerable and dependant on other people for their survival. They are less likely to suffer the calamity that befalls other women like being evicted from land and inherited as wives, as if they are pieces of furniture. Women with secure land rights will have a say in what happens in their lives as far as access and ownership of land.

1.7.5 The impact of access to land on women's economic status

Women who own land can access capital and other resources such as extension services to assist them with their farming activities. Land can help elevate the status of women in communities and help shape them as agricultural producers. It has been confirmed by several studies that there is a relationship between access to land and lowered incidences of violence against women. When women have access to land, there is reported improvement of families' nutrition, education of children from families that own land, decrease in fertility rates and bargaining powers by women within a home environment (Kameri-Mbote, 2005: 9; UNECA, 2007: 1; Gomez & Tran, 2012: 7; UN, 2012: 7). Patriarchal tendencies which tend to favour boy children's education over girls will then not be an issue in such families. The family's future is then secured because there is an opportunity for them to add to the economic growth of their communities and countries (Blackden, Canagarajah & Lawson, 2006: 5). This notion is further supported by (IFPRI, 2005:1-2; Agarwal, 2002: 20; UNRISD, 2004:3), in that for access to land to have a positive impact on

women's lives, it calls for equal agricultural inputs between male and female farmers. These are not only limited to fertilizers and agricultural equipment but also to their education as well. It can thus be affirmed that programmes that are targeted at women have a good impact on families and improves their livelihoods.

Access to land by rural women will help them in meeting practical and strategic gender needs. Examples of practical gender needs are access to food, water, firewood, health care and other needs. Meeting these needs does not necessarily challenge any social order. Strategic needs on the other hand, are needs like access to land and other productive resources that may improve the economic lives of women. Meeting these kind of needs does challenge social order, especially since most communities are patriarchal in nature (Nyukuri, 2006: 17; PALAMA, 2008: 21). From these arguments it can then be affirmed that other than just meeting basic strategic needs, access to land elevates a woman's position in society.

1.8 DEFINITION OF CONCEPTS

Access to land: refers to “the use, control and ownership of land” (Duncan & Brants, 2004: 18; Kathewera-Banda, Kamanga-Njikhoh, Malera, Mauluka, Mazinga & Ndlovu, 2011: 9).

Control of land: refers to “the right to make decisions on how land should be used and the right to make decisions about proceeds that come from land” (Kathewera-Banda, Kamanga-Njikhoh, Malera, Mauluka, Mazinga & Ndlovu, 2011: 9).

Culture: refers to “ideas, beliefs and norms which direct the way of life and relationships within a group in a particular society” (Reeves & Baden, 2000: 2).

Discrimination against women: refers to “the distinction, exclusion or restriction made on the basis on sex meant to nullify enjoyment or recognition of women” (Reeves & Baden, 2000: 2).

Feminism: refers to “an awareness of women's oppression and exploitation in society, work and within the family and the conscious action by men and women to change the situation” (Pati, 2006: 14).

Feminization of poverty: refers to “an increase in the difference in levels of poverty amongst women and men” (Moghadam, 2005: 2).

Gender: refers to “a system of roles and responsibilities between women and men which are not determined by biology, but by the social, political and economic context” (Chakarova, 2003: 3; Nyukuri, 2006: 3).

Gender division of labour: refers to “the socially determined ideas and practices defining roles and activities appropriate for men and women” (Reeves & Baden, 2000: 2).

Land rights: refers to “a variety of legitimate claims to land and the benefits and products produced on that land” (FAO, 2002: 12).

Land tenure security: refers to “the norms, rules, institutions and rights that determine use, control and ownership of land” (ECA, 2004: 11; Nyukuri, 2006: 6; UN Women, 2013: 24).

Patriarchy: refers to “an overarching system of male dominance, often involving the dominance of females by males” (Reeves & Baden, 2000: 28).

Reproductive role: refers to “responsibilities taken by women which include biological reproduction and the care and maintenance of households” (Duncan & Brants, 2004: 5).

Productive role: refers to “work done by both men and women for payment in cash or kind. It includes market production with an exchange value” (Duncan & Brants, 2004: 5).

Ownership of land: refers to “having rights to sell, hire-out and bequeath land” (Kathewera-Banda, Kamanga-Njikho, Malera, Mauluka, Mazinga & Ndlovu, 2011: 9).

1.9 RESEARCH DESIGN

A research design is a plan used to identify and obtain respondents in order to collect data. In this study a qualitative research design will be applied since the study is aimed at exploring and giving an in-depth analysis of the relationship between access to land and poverty amongst rural women in the Mpumalanga Province. The rationale for utilising a qualitative research design is because of the

rich narratives, experiences and ideas to be shared by respondents which are due to qualitative data collection methods. Qualitative designs give a good perspective of those who experience phenomena as opposed to the view point of the one administering the tool (Fox & Bayat, 2007: 7) for data collection. A case study will be utilised as it relates to the intensive study of phenomena which in this case will be access to land by Mpumalanga rural women as an economic empowerment tool. Case studies are not only confined to studying humans but can also be used to study documents like diaries, documents and reports. In this study records from the Department of Rural Development and Land Reform, NGOs dealing with land issues, research done on land issues and other documents will be studied to beef up literature on the topic under study.

1.10 RESEARCH METHODOLOGY

1.10.1 Study area

Mpumalanga is one of the nine (9) provinces of South Africa. Its name changed from Eastern Transvaal on 24 August 1995. The name means east or "the place where the sun rises" in Swazi, Xhosa, Ndebele and Zulu languages. The province lies in the eastern South Africa, north of KwaZulu-Natal and bordering Swaziland and Mozambique. It constitutes 6.5% of South Africa's land area. It borders on Limpopo, to the west Gauteng in the North, to the Southwest the Free State and to the South KwaZulu-Natal. The capital city is Nelspruit and has recently been renamed Mbombela. The Mpumalanga Province of South Africa is generally divided into four regions namely; Highveld and Cosmos region, Escarpment region, Lowveld and Kruger National Park region, Grass and Wetlands region (Wikipedia: 2014).

Mpumalanga Province is divided into three municipal districts which are Gert Sibande, Nkangala and Ehlanzeni. The districts are further subdivided into seventeen (17) local municipalities as illustrated in the table below:

GERT SIBANDE DISTRICT	NKANGALA DISTRICT	EHLANZENI DISTRICT
<ul style="list-style-type: none"> • Albert Luthuli • Msukaligwa • Mkhondo • Pixley Ka Seme • Lekwa • Dipaleseng • Govan Mbeki 	<ul style="list-style-type: none"> • Delmas • Emalahleni • Steve Tshwete • Highlands • Thembisile Hani • DR JS Moroka 	<ul style="list-style-type: none"> • Thaba Chweu • Mbombela • Umjindi • Nkomazi • Bushbuckridge

The area of the study is selected because of its proximity to the capital city, the high incidents of land evictions and because it is the agricultural hub of the province.

1.10.2 Population

A total set from which units or individuals under study are chosen is called a population (De Vos, Strydom, Fousche & Delpont, 2005: 193; Welman & Kruger, 2005: 53). The population for the study will be rural women who have access to land in the Gert Sibande, Ehlanzeni and Nkangala Districts within the Mpumalanga Province, project officers within the Department of Rural Development and Land Reform and members of the communities in the three mentioned district municipalities. The sampling frame will be drawn from officials who work with land issues within the Department of Rural Development and Land Reform, women who have access to land or projects run by the Department and members of the communities from the three mentioned districts.

1.10.3 Sample selection method and size

A sample according to De Vos, Strydom, Fousche & Delpont (2005: 194) comprises of elements of the population considered for actual inclusion in the study. Samples are drawn because researchers want to understand the population from which they are drawn and to explain facets of the population. A non-probability sampling process will be employed in the study in the form of purposive sampling. This sampling process is chosen because it is less complicated and more economical in terms of time and financial costs (Welman, Kruger & Mitchel, 2005: 68). A purposive

sampling method will be utilized in the study to draw female respondents who have access to land, male project officers who deal with land issues within the Department of Rural Development and Land Reform and members of the communities from the three mentioned districts. A purposive sampling method refers to a sample in which the researcher deliberately obtain units of analysis in such a manner that the sample obtained may be regarded as being representative of the relevant population (De Vos, Strydom, Fousche & Delport, 2005: 69). It is chosen because it is less complicated and more economical in terms of time and expenses as there is no funding for the project. A sample size of two hundred and six (206) respondents will be used in the study. Forty-seven (47) women who have access to land through the land reform programme, thirty-six (36) project officers responsible for land issues and one hundred and twenty-three (123) members of communities from Gert Sibande, Ehlanzeni and Nkangala districts will be included in the study. The rationale for including the men in the study is to collect information regarding their attitudes towards women's land rights.

1.10.4 Data collection methods

Data will be collected by utilising the following data collection methods:

1.10.4.1 Semi-structured interviews

Data will be collected from women who have access to land within the Department of Rural Development and Land Reform, male project officers responsible for allocation of land, and member of the communities from three districts, through semi-structured interview questionnaires. This method of data collection is characterised by having a set of predetermined questions on an interview guide, in which the order of questions may be varied. Some questions may not be asked depending on the organisational context. Additional questions may be added to get more clarity and the nature of questions may be altered to suit the educational level and background of respondents (De Vos, Strydom, Fousche & Delport, 2005: 296). The rationale for utilizing a semi-structured interview schedule is that it will enable the researcher to get opinions, explore experiences and observe body language.

Semi-structured interview schedules capturing the following research questions will be developed and used to collect data; what is the extent and nature of land

ownership by rural women, what knowledge do women have with regard to their land rights, what is the extent of the impact of access to land on the economic status of rural women, what are the challenges faced by women in accessing land in South Africa, what is the attitude of society towards women's land rights and how effective is the role of project officers in land administration with regard to women's land ownership.

1.10.4.2 Focus group discussions

Focus groups are group interviews involving participants who share the same characteristics relating to the research topic. They are used to encourage participants to share opinions, experiences and perceptions. Focus groups are used to collect data that cannot be collected by means of individual interviews, like opinions and how members of a focus group relate to one another's opinions and arguments (De Vos, Strydom, Fouche & Delpont, 2005: 299). It is however important to make sure that participants are knowledgeable about the subject to be discussed (Welman, Kruger & Mitchel, 2005: 201). Focus groups for both male and female members of the community will be used to collect data on attitudes towards women's land rights.

1.10.4.3 Documentation

Land is a political and highly contested issue all over the world especially in South Africa due to the colonization and apartheid era, so there is a lot of literature written on the subject. Data will be collected from reports and documents from the Department of Rural Development and Land Reform, organisations that deal with land rights like Food and Agricultural Organisation (FAO), International Land Coalition (ILC) United Nations Human Rights, Poverty, Land and Agrarian Studies (PLAAS), Women's organisations and formations etc. Information about what has been researched and documented on women's land rights especially barriers to accessing land and progress made in terms of addressing imbalances of the past will be collected from documents. According to Welman & Kruger (2001: 145), documents have an advantage because it is not costly to acquire them. They are a good source of information and information on human reaction to events, experiences and opinions can also be obtained.

1.10.5 Data analysis methods

The following data analysis as captured by Dawson (2009: 114-124) will be utilised:

Interview and focus group summary forms, to summarise each and every interview or focus group discussion. The summary will capture field notes, emerging themes as well as opinions, attitudes and perceptions. It is from these that decisions will be made whether to add more questions or change the way they are asked so as to enable the researcher to obtain the relevant information.

A comparative analysis will be done to compare and contrast data obtained from different respondents to identify emerging issues, a content analysis ascribed where codes will be assigned to specific characteristics in a text and a conversation analysis used to look at patterns of speech and how participants respond to one another's opinions and arguments.

1.10.6 Validity and Reliability

Reliability in the study will first be done through a small sample to check if the interview schedule yields the required information before the actual research is done. Validity will be tested through comparing results of field and historical studies done on access, ownership and control of land by rural women. The interview schedule will be based on the research questions. Triangulation of the methods used to gather data will be the sources of data which will come from the different groups and in various formats to illuminate both individual and group experiences and views on norms and attitudes within communities.

1.10.7 Ethical considerations

Whilst conducting the study, the researcher will adhere strictly to all ethical issues to inform and protect respondents in the following manner:-

1.10.7.1 Voluntary participation

Respondents will not be tricked into participating involuntarily in the study but will be made aware that they are participating in a study. Consent will be sought either verbally or in writing. The purpose of the study will be explained to respondents.

1.10.7.2 Privacy/confidentiality/anonymity

The right of respondents to privacy, confidentiality and anonymity will be respected. The use of respondent's names, video cameras, tape recorders, one-way mirrors and micro-phones will not be used in the study.

1.10.7.3 Protection from harm

Precautionary measures will be taken to protect respondents from any psychological harm. Protection from harm will be ensured by asking respondents to stop the interview at any stage should they feel uncomfortable. Land is a very thorny issue and people may be victimized for speaking-up about their feelings and what is happening around them, hence the importance of taking precautionary measures to protect them from any harm.

1.10.7.4 Referral protocol

Should there be cases that need to be referred to the Department of Rural Development and Land Reform for further handling, in terms of problems experienced by women who have accessed land; permission will be sought from them in writing before they are referred.

1.11 SIGNIFICANCE OF THE STUDY

The study will contribute significantly to the academic and empirical setting of research.

1.11.1 Academic

The study will add value to the body of literature, knowledge and research on women and access, control and ownership of land in South Africa, with special reference to the Mpumalanga Province. The study will add value to the scientific community in terms of knowledge on women and land ownership.

1.11.2 Empirical

The study will provide information on barriers experienced by women with regard to access, control and ownership of land. Literature reviewed thus far indicates that eliminating barriers will enhance women's participation in the economy and thus

elevate their position in society. The study will assist the Departments of Rural Development and Land Reform and Agriculture Rural Development and Land Administration in the development of new policies and implementation of already developed policies so that they are gender sensitive. The study will also assist the two Departments in the rethinking of strategies and programmes that will enable rural women to access, control and own land in the two districts under study. Awareness will be raised through the study on the role of agricultural extension officers with regard to women and agriculture in terms of assisting women balance productive and reproductive work and thus eliminating bias against women by agricultural extension officers. The Commission for Gender Equality as the governing body of civil and government on women empowerment will use the study with regard to giving guidance on areas that will need attention. The results of the study will also assist the Commission for Gender Equality in getting positive reports from civil society and government with regard to women empowerment and this will in turn assist the Commission when reporting to the United Nations on treaties that South Africa has signed.

1.12 CHAPTER OUTLINE

The research report will be structured in the following manner:-

Chapter 1: This chapter will provide the introduction, statement of the problem, aim of the study, objectives, research questions, definition of concepts, research methodology and ethical considerations.

Chapter 2: This chapter will provide the theoretical perspectives that underpin the study. Both the feminism and pathways theories will be analysed in the context of land reform and gender equality.

Chapter 3: The chapter will provide the international perspective of land reforms. It looks at international legislative frameworks as well as how gender issues are perceived outside South Africa.

Chapter 4: This chapter will provide the South African perspective on land reform with reference to the legal framework and programmes.

Chapter 5: The chapter will provide information on women and land reform in South Africa with reference to the South African Public Administration environment, women, marriage and access to land before 1994, previous and contemporary law governing property in South Africa as well as women and land reform programme.

Chapter 6: The chapter will provide information on the research methodology, addressing the study area, population, sample selection method and size, data collection methods, ethical considerations and the significance of the study.

Chapter 7: A presentation and analysis of the research findings will be done in this chapter.

Chapter 8: This chapter will be on recommendations and conclusion regarding gender sensitive interventions with regard to land reform.

CHAPTER 2: THEORETICAL PERSPECTIVES OF THE STUDY

2.1 INTRODUCTION

Theoretical frameworks in research assist in creating an understanding of how society work, how and why people interact in different ways. It explains why certain phenomena happen by dissecting it to look at it in its different facets. This allows researchers to generalise about the different facets of phenomena and how these influence a particular phenomenon (Alasuutari, 1996; Leshem & Trafford, 2007; Tavallaei & Abu Talib, 2010; Richard, 2013). This research is aimed at investigating access to land by rural women and the impact it has in changing their livelihoods. Barriers that make it difficult for women to access, own and control land such as patriarchy, the political system, the family, religion and women's involvement in the economy will be explored and presented. Another aim of having a theoretical framework on which a research is grounded on is that, the manner in which data will be collected, analysed and interpreted will be outlined. The results can be used to either support or reject an existing theory (Leshem & Trafford, 2007; Richard, 2013). The results of this research will either validate or reject the feminism theory by indicating whether women's subordination has a bearing on them accessing, controlling and owning land. The research will also generate new information on whether equality legislation has had any impact on gender equality especially with regard to the removal of social and cultural practices that discriminate against women and has a negative impact on access to land.

This research is based on two theories, which are feminism and the theory of change. Feminism theory delves deeper in trying to understand why there is gender inequality in the first place. This is done through understanding the social roles assigned to both women and men, the experiences of women in particular and their interest. Feminism is aimed at assisting in the promotion of women's interests and the protection of their human rights (Offen, 1988; Sarikakis, Rush, Grubb-Swetnam & Lane 2009: 516; Mota, Fominaya, Eschle & Cox, 2011). Since feminism theory gives a background on the history of women's subordination and how women respond to that, it is under this premise that the history of feminism looking at the three waves of feminism, the perspectives of feminism such as socialist, radical, liberal, Marxist and

eco-feminism and their impact on the present situation with regard to women's emancipation will be discussed.

The theory of change will discuss areas that contribute to poverty amongst women and their exclusion in areas such as lack of skills especially in relation to agriculture and how capacitating them will enhance their status, women's influence over household decisions, the creation of an enabling environment by creating and implementing legislation that promotes gender equality, women's access to and control over productive resources like land and enhancing women's agricultural productivity.

2.2 FEMINISM THEORY

Feminism refers to awareness that women are oppressed and exploited within society, in the workplace and within families. It also refers to the conscious action taken by both men and women to change the situation (Offen, 1988: 152; Mahmood, 2006; Pati, 2006: 14; Stanford Encyclopaedia of Philosophy, 2011: 1) from a bad state to a good one. Feminism is based on an argument that society organises humanity into male and female and thus assign responsibilities based on sex, hence the view that women be regarded as weak when compared to men. There are feminists that argue that the body is not static but an evolving phenomenon. How women's bodies were viewed in the 19th century (as incubators and workers) has changed dramatically over the years as more women enter the workplace on equal footing with men whilst some choose not to bear children. More women are becoming wage earners and head families as single women. Feminism derives its origin from various theoretical formulations and is based on historical and cultural realities and levels of consciousness, perception and action. It is not static in nature and has endured immense changes from the 17th century to date. Feminist theories according to Sarikakis (2009: 508) have been around for centuries although they have been silenced or distorted by mainstream research. These theories explore the relationship between being a woman and occupying certain class and roles, how women negotiate the world in terms of how they are viewed and treated by society and the wisdom inherent in negotiating the world. The manner in which women have been negotiating the world since the 16th – 17th century has had a huge impact in paving the way for modern feminists.

The body of literature mentions three waves of feminism which are the first, second and third waves.

2.2.1 The first wave (19th century)

The first wave was around the 19th century in the year 1848. The main concern was about women having the right to vote and gain political and legal equality (Offen, 1988; Krolokke & Sorensen, 2006:2-7; Holub, n.d: 1; Soletto, 2012) with men. In this wave women fought for representation politically and in government. The downside of this wave was that it only represented upper and middle class. Women of colour and other minorities were not represented hence it drew a lot of critic (Krolokke & Sorensen, 2006: 2; Wiley, Srinivasan, Finke, Firnhaber & Shilinsky, 2012) from those opposed to its current situation.

2.2.2 The second wave (1960s)

The second wave formed around the 1960's. It was a movement within the larger civil rights movement. During this wave women had already won the right to vote but were only confined to domestic roles such as caring for children, cooking and cleaning. The second wave was about fighting for social and cultural inequalities suffered by women. Although women were more educated during this wave, they were still confined to roles such as getting married and having children. The second wave then addressed the inequality in education, workplace, fertility rights and health issues. The wave was a success because it led to passing of legislation that protected the rights of women to equality such as discrimination against pregnant women, education and the criminalisation of marital rape (Mann & Huffman, 2005; Krolokke & Sorensen, 2006: 7; Mota, Fominaya, Eschle & Cox, 2011; Carter, 2013; Wiley, Srinivasan, Finke, Firnhaber & Shilinsky, 2012). It can then be deduced that although the second wave made strides in fighting for equality with regard to social and cultural inequalities, little progress was made on fighting for the equal division of household labour. Domestic work is still regarded as a woman's responsibility rather than a shared one.

2.2.3 The third wave (1990s)

The third wave began in the 1990's and continues to this day. It stands for greater influence in politics and the demolition of stereotypes about the portrayal of women by the media. It maintains that women and men should interact as equals. It proposes that women should also enjoy greater sexual pleasures just like men; hence the second wave is viewed as anti-sex and the second wave as pro-sex. This wave veto for greater involvement of women in sport, the beauty, culture and religious activities (Snyder, 2008; Coleman, 2009; Wiley, Srinivasan, Finke, Firnhaber & Shilinsky, 2012).

Feminism does not regard women as a homogenous group because the way women negotiate the world significantly differ or is diverse because it takes into consideration issues like culture, politics, religion, ethnicity, sex, age level of education and also issues like marital status. All the mentioned factors have a huge influence on how women negotiate the world. Dowd (2010) and the Encyclopaedia of Philosophy (2011:5) argues that feminism theories are based on the concept of power hence they address concepts like oppression, exploitation, discrimination and patriarchy. Power is seen as being unequally distributed between men and women, with men being regarded as the custodians of power. Since men have power they can thus make economic decisions that benefit themselves. Feminism then views power as unjust because it dominates and creates an unequal and unjust environment. Power is viewed on the notion of dominance and subordination. Stets & Burke (2000:1) and Kambarami (2006:2) concurs by arguing that in power relationships, men are viewed as powerful, brave and dominant whilst women as docile and emotional. It can then be argued that the fight for equality by women started centuries ago. From the history mentioned above, it is clear that the road to equality for women was and is still not an easy one although lots of strides have been made since 1848. It is not guaranteed that women's struggle for equal opportunities with men is closer to being achieved.

The power relations between men and women make it difficult for women to access land. Since women are regarded as inferior it is not surprising that acquiring land rights will be a huge struggle. Most women only have use rights, hence them being used as cheap labour or being paid meagre wages.

2.3 FEMINISM PERSPECTIVES

The review of literature mentions eight types of feminism perspectives which are listed as the Marxist, radical, liberal, socialist, eco-feminism, masculinity and intersectionality perspectives.

2.3.1 Marxist perspective

The Marxist perspective is based on the capitalist class of employer – employee exploitation. This perspective argues that the reason women find themselves in the position where they are exploited, oppressed and discriminated against is because of the way men in society have been socialised. Men have been socialised in a way that they regard the exploitation, oppression and discrimination of women in the workplace and in the home as normal. The oppression, discrimination and exploitation of women in the workplace by men is said to be regarded as normal in such a way that it naturally spills over into the homes and relationships with women. This also leads to the economic exploitation of women because the position that men occupy is that of power hence men are able to make decisions that favour them than favour women. Women are then socialised into submission and doing unpaid labour like domestic work. They also see themselves as the sole care providers hence their roles are determined as domestic workers and child minders and not in positions where they can make decisions.

According to Marxist perspective women then find themselves as servants for men especially because they do unpaid work both in the home and on cultivated land. This behaviour is seen as a capitalist behaviour because it benefits men hence the notion of employer – employee exploitative relationship. What is important about this perspective is that despite the unequal power relationship between men and women, men are however not seen or regarded as enemies. This is because even though the relationship disadvantage the other, both parties see to it that it works, as it has for decades. Marxist feminists however indicate that for equality to prevail, for discrimination, oppression and exploitation to cease, the capitalist system needs to be overthrown by the oppressed and exploited (Pati, 2006:14-15; Sarikakis, Rush & Grubb-Swetnam, 2009: 505; Standford Encyclopaedia of Philosophy, 2010: 3; Zake, 2011; Holub, n.d: 4; Tschurenev, 2013: 266). With regard to access, ownership and control of land, it can then be argued that the exploitative relationship as mentioned

by Marx above, is the cause of women being regarded as a source of cheap labour for men, both inside the house and in the fields. Most women work the fields for free and the proceeds that come from the land are not even shared equally in the household. The proceeds are normally used by the men to increase their yields by buying equipment related to land or sometimes use it to entertain themselves or by marrying more wives. This is also evident in the high number of child maintenance cases against men. According to Morrison, Raju & Sinha (2007: 4) and Razavi (2009), and Kevane (2012: 12351) women spend their money on the nutrition and education of their children.

2.3.2 Socialist perspective

The Socialist perspective puts more emphasis on women's position of subordination to men in society. Patriarchy is blamed as a social order that puts women in the subordination position because it divides humans into two categories, i.e. female and male. This division calls for people to act in particular ways to maintain the social order. Socialist feminist describe the social order as a male-dominated gender order. Men are regarded as strong, intelligent, and having leadership capabilities and hence their responsibilities are described as such. Women on the other hand are relegated to inferior status as they are deemed dependent on men hence their responsibilities are those that do not have decision-making capacity. Women's roles are defined along the lines of motherhood, domestic workers and child rearing. According to Holub (n.d:4), most women would sacrifice to leave their jobs and thus forsake their careers so they can assist in the rearing of their children. It is only after the kids are grown up that women would think of their careers and by then they are either too old to re-enter the work place or their qualifications are no longer relevant or there has been a lot of changes within the workplace, that they no longer "fit", a notion that seldom affects men. The male-dominated gender order is then entrenched in all spheres of society because men and women are socialised based on it. It infiltrates religion, economy, education, class, culture, politics and the environment. Social feminism thus calls for the change in the structural order of male-domination to that of equality in the home with regard to domestic responsibilities, economic and political opportunities, education and health care (Lorber, 1997: 15; Pati, 2006: 14; Lorber, 2010: 1-11; Standford Encyclopaedia of Philosophy, 2011: 10; Holub, n.d: 3). For women to achieve equality in status, the

socialist perspective calls for the socialisation of men so that they also share in domestic work thus allowing women to participate in the economic sector as well. It cannot be ignored that there has been gradual change, albeit very slow with the present generation as more women are also employed and couples opt for hiring domestic labour instead of doing it themselves. However, since women's position in patriarchal societies is that of dependence on men, accessing productive resources like land is a notion that will not be socially acceptable. Agarwal (1994: 1464) and Federici (2011:5 0) argue that women should then establish formations to challenge the existing power relations and advocate for equality in all spheres. The unequal division of labour in the household has an impact on how women participate in economic activities. Although very important, society does not put financial value on the reproductive roles performed by women. Women find themselves performing both productive and reproductive roles whilst men only perform productive roles.

2.3.3 Radical perspective

This type of feminism emerged in the 1960's in response to discrimination experienced by women in the civil rights and anti-war movement. The main argument about this perspective is patriarchy and sex class as they are said to define women's position and experience in society. Patriarchy is viewed as a cause of the low position women occupy in society. Unlike the Marxist perspective that does not regard men as enemies, radical feminists see men as enemies of women. Radical feminists argue that for women to free themselves from being oppressed by men, they need to form lesbian relationships and also class themselves together and fight male oppression. The cause of patriarchy is seen as the ability of men to impregnate women and thus render them incapable of anything. Marriage is thus seen as an institution where men are able to oppress and exploit women. It is also said that women can claim fertility rights by using technology to control whether they want to have children or not.

Just like the Marxist perspective, the radical perspective also concur that men's power cascades from the work environment to the home environment (Annandale & Clark, 1996; Pati, 2006: 14; Sarikakis, Rush & Grubb-Swetnam, 2009; Standford Encyclopaedia of Philosophy, 2011: 7; Sultana, 2011: 5). It is argued that for men and women to eliminate the discrimination against women, it is important that the

oppressed also stop perpetuating practices that enforces discrimination against themselves. The oppression of the other by another continues because those who are oppressed accept the status quo and would sometimes also oppress one another (Mahmood, 2006; Holub, n.d: 9). An example can be the way mothers bring up boy and girl children by enforcing subjugation of girl children through assigning responsibilities to boys that has to do with leadership whilst assigning menial responsibilities that promotes dependency for girl children. Contrary to what radical feminists portray, however, there is a need for the peaceful co-existence between men and women in order to build households as well as build the economy. Both sexes need to work together in an equitable way where resources such as land and other economic resources are equitably shared. The peaceful and respectful co-existence will create an opportunity for women to access land unopposed by men and also get the necessary support from men since they have been involved in the ownership, control and management of land and other related activities longer than women. This however does not negate the fact that it is women who have been working the fields as unpaid labour, for the very same men and so involvement here refers to ownership and control privileges given to men based on their sex.

2.3.4 Liberal perspective

The perspective is based on the 16th – 17th century philosophy which focussed on equality and liberty. Liberal feminists argue that prejudice against women is based on ignorance. Men are seen as liberal beings and having the potential to change, hence exploitation, oppression and discrimination can be dealt with in a rational manner. Women are not seen as passive participants but active participants because they are seen as consenting to how they are treated by men. The consent spills over from the workplace into the homes and relationships with men. The only way of dealing with oppression, exploitation and discrimination is to create awareness on the issue. This will then assist in changing the attitudes and behaviour that is negative towards women. Liberal feminists indicate that the position of women in society has changed for the better over decades (Pati, 2006: 14; Wanner & Wadham, 2015). With regard to access to land by rural women, it is crucial that continuous education or awareness about the plight of women with regard to access, control and ownership of resources is concerned. The role of women both in the household and outside as far as food security should be taken

into cognisance. The equitable share of household labour should be prioritised as unequal share puts a burden on women to be able to participate fully in the economy.

2.3.5 The Eco-feminism perspective

Both men and women are viewed as having a link with nature because they can give birth. Eco-feminists believe that patriarchy and male domination is harmful to women, as well as the environment. There is a link between a male's desire to dominate unruly women and wilderness. Men feel as though they must tame and conquer both in order to have control. The philosophy is that environmental problems stem from a human-centred ideological position and they can only be solved when the needs of nature are put first or on the same level as human needs. Eco-feminists say that it is this desire that destroys both women and the earth. Eco-feminists advocate for putting nature's needs first or alongside human needs (Pati, 2006: 14-15; Nyukuri, 2006: 2-3). A peaceful co-existence of both men and women will enhance farm productivity and protect the environment from degradation. Most rural communities do not have access to electricity and rely on wood as fuel, which has a serious impact on the environment due to deforestation. That means women have to walk even longer distances to fetch wood and water. The involvement and support of men regarding women and their land rights will also enable women to access extension services which seem not to take women's reproductive roles into consideration.

2.3.6 Masculinity perspective

Feminism theories have been criticized for having a singular view of gender which is mostly politically inclined instead of imploring analytical perspectives. The criticism centres around feminist theories projecting men as aggressive (Dowd, 2008; Holmgren, 2009; Dowd, 2010; Fineman, 2013), an issue that has led to the formation of masculinities theories as a platform to study male dominance and women's subjugation. The above argument then posits that the positive role played by men in society is such as taking care of the financial aspect of their families is ignored by feminism theories. Despite the fact that most men are said to be pro feminist which is evident in the establishment of men's work place forums and other forums in communities, a move which should be regarded as a positive move by men to create

awareness on gender equality and equity. Pro feminist men also risk stigmatization and sometimes violence (Connell & Messerschmidt, 2005; Holmgren, 2009; Fineman, 2013) as they are sometimes viewed as “sell outs” deviating from what “manhood” is supposed to be, an attribute which should be acknowledged by feminism theories. It can then be argued that the negative critique labelled against men has the ability to make them question themselves and what they stand for since they are not accepted by other men as they are viewed as deviating from the norm and at the same time their efforts are not acknowledged by the women they are trying to support. This is however not a new phenomenon as women who do not conform to what womanhood is deemed to be are often ostracised by men and even women thus helping to perpetuate the patriarchal order in society. It is however important to note that even though pro feminist men suffer difficulties by deviating from the norm, they still enjoy privileges assigned to men by the patriarchal order.

The stance taken by feminism theories can then be argued that it will not yield positive results at a faster pace than if it acknowledged the positive role played by men in society. Masculinities give a platform to examine the cause and effect of subordination by allowing the establishment of positive strategies to address problems instead of creating friction between the sexes. Masculinities are viewed as a social construct because men are said not be born to discriminate and dominate women but are socialised to do that (Dowd, 2008; Dowd, 2010; Fineman, 2013). To buttress this assertion, since it is women who play a major role in the upbringing of children, it is them that perpetuate male superiority by creating a sense of autonomy for boy children which fosters confidence and leadership abilities, whilst enforcing a sense of dependency for girl children. The social order of society that compels women to be subordinated has been ingrained in women’s psyche that they have internalised it as the correct way of doing things that they unconsciously end up perpetuating patriarchy without questioning it. It thus becomes unfair to blame men about the social order whilst women are also conscious and unconscious participants. The role of mothers in the upbringing of the children needs attention if gender equality is to be realised.

2.3.7 Intersectionality perspective

Intersectionality according to Davis (2008) refers to “*the interaction between gender, race and other categories of difference in individual lives, social practices, institutional arrangements and cultural ideologies and the outcomes of these interactions in terms of power*”. Intersectional theorists argue for the holistic view on gender instead of looking at it in terms of men being the dominant ones and females being the dominated ones (Phoenix & Pattynama, 2006; Davis, 2008; Conway, 2011). This is an argument made by the masculinity perspective theorists who argue against a single view on gender and advocates for the analytical view instead. This stance is buttressed by Mahmood (2006) when critiquing feminist theories of looking at phenomena from one stand point especially when the ‘*burqa*’ or veil is viewed as oppressive to Muslim women without acknowledging that Muslim women have a freedom of choice regarding the wearing of the veil. Mahmood’s standpoint is debatable because despite the fact that Muslim women are said to have a choice in whether they wear the veil or not, there has been many stories of women being stoned to death or burned with acid for not covering their heads.

Intersectionality acknowledges that women are not a homogeneous group and that is evident in the exclusion of black women by the first wave of feminism. The subjugation of women is not viewed from one standpoint but a deeper analysis of aspects such as gender, race, class, disability, sexuality, age, ethnicity, educational level are taken into consideration. Women’s experiences are thus viewed as being constituted within socio-cultural context hence the results or impact may not necessarily be the same for every woman (Phoenix & Brah, 2004; Bunjun, 2010; Sotelo, 2012: 36; Fineman, 2013; Tschurennev, 2013: 271). Traditional theories mentioned above like the radical, socialist, Marxist and so forth have neglected these aspects in their analysis of the relationship between men and women. The fact that women are not a homogenous group has been indicated many times in this research such as the fact that educated women have a higher chance of having shared decision-making powers and access to land than women with low literacy levels. Putting women under one umbrella would thus be a mistake and may also have an impact on developing mitigation strategies against women’s subordination in different settings.

2.4 Principles of feminism

Feminism does not occur in a vacuum, to create an understanding of women's low status in society it is important to discuss patriarchy as a cause of the imbalance of power between women and men. It also becomes important to discuss the major institutions that have a bearing on the subordination of women. Literature mentions principles of feminism as patriarchy and male dominance in major institutions like the economy, political system, family and religion. Changing or having an influence in these institutions on women's human rights can go a long way in assisting women realise their rights.

2.4.1 Patriarchy

Patriarchy refers to a system of male dominance that is characterised by dominance where men are the dominating ones and thus viewed as superior and women the dominated ones and hence viewed as inferior (Reeves & Baden, 2000: 28; Coetzee, 2001; Johnson & Johnson 2001; Kambarami, 2006; Stopler, 2008: 1; Rao, 2011: 6; Sultana, 2011: 2) to men. This system defines women in relation to their reproductive roles only which has a direct impact on the allocation of resources both within the household and outside. Since there is no monetary value attached to reproductive roles, the patriarchal system then relegates women to positions of subordination to men. Patriarchal system place value on boy children than girl children and thus parents invest more in a boys' education than a girls', hence women have the most low literacy levels in the world than men (Coetzee, 2001; Kambarami, 2006: 5; Johnson & Johnson, 2011). Patriarchy is also embedded in cultural beliefs and norms which dictate masculinity and femininity roles attached to each gender. Due to their low status, women face a lot of constraints like inability to participate in politics, decent work, access to land and other resources (Palama, 2008: 12; Albertyn, 2009; Stanford Encyclopaedia of Philosophy, 2010:9; Johnson & Johnson, 2011; Sultana, 2011: 3; Kabeer, 2012: 12). Reproductive work is crucial for the existence of families and communities. These roles make it easy for everyone; men included, to go about everyday business because there are people who take care of the children, the cooking, fetching of firewood and water and also involved in community businesses like attending funerals and tending to the sick. The inferior status of women exposes them to gender based violence such as prostitution and rape and slavery because they are regarded as less human than men and

sometimes to the extent of them viewed as objects. Violence is used as a domination weapon especially for women whose behaviour is regarded as contrary to what is expected as per customary requirements (Kambarami, 2006: 7; Stopler, 2008; Hamieh & Usta, 2011: 6; Sultana, 2011: 10; Holub, n.d: 6). Therefore, it is not unsurprising that men would hide behind “culture and customs” when there is abuse of women. It is normally indicated as a “private” matter which should be dealt with by households and most of the time the public is not encouraged to interfere in “family” matters. In my opinion, men tend to think that culture is static and not permeable especially when it suits their needs.

Patriarchy is the cause of unfair customary practices like wife-inheritance where a woman is given to a brother of the deceased or any other male relative as a form of control. A woman may not like the arrangement but may not be in a position to oppose the decision because it is a form of protection for her, so she is not ostracised for refusing to conform to cultural expectations (Kambarami, 2006:7; Harrington & Chopra, 2010: 6). This practice then posits that women are viewed as less human hence they are passed from one man to the other as if they are property. It can also be deduced that an inherited woman will not get the best care from the man who has inherited her since she was not his choice in the first place.

In terms of access to land, due to the inferior status assigned to women by patriarchal practices, it becomes difficult for women to access land (UN, 2008:8; Swaminathan, 2008: 10; Sultana, 2011: 8). Land is owned and controlled by males who are regarded as head of households, irrespective of the fact that there are other people, mostly women, who are contributing or working on it (World Bank, 2013: 4; Federici, 2011: 4; UN Women; 2013: 26) without necessarily being recognised. From the above, it can then be deduced that unless women are viewed as equals to men and not as less human to an extent where they are treated as property that can be inherited as is some customary practices in some traditions which practices wife-inheritance, women can never have full access, ownership and control of land. Since land has an economic value, those who are viewed as inferior cannot access it.

2.5 Social institutions and dominance

There are certain roles and responsibilities that women and men acquire which are specific to them being male or female. These are learnt so men and women are not born with them, meaning they are not biological. They are however reinforced by certain institutions like socio-cultural, political and economic institutions. Because these roles and responsibilities have been shaped over years, society accepts them as natural or do not question them. These roles and responsibilities are the cause of the subordination of women which makes it difficult for women to access and control resources, making their economic and social contributions to be undervalued.

2.5.1 Economy

The involvement of women in the economy assists in eradicating poverty. Literature affirms that a large number of women are poor (Agarwal, 1994: 1455; Deere & Doss, 1997: 137; Moghadan, 2005: 2; Harrington & Chopra, 2010: 4). There are various barriers that hold women back in terms of participating in the economy and the body of research list them as low literacy levels which are caused by patriarchy that favours boy children to get education instead of girl children. Women in rural areas are said to have low literacy levels and unable to participate in decision-making structures because customs do not allow women to participate in the formation of such structures and disallow them to engage with men in public (Kambarami, 2006: 5; Johnson & Johnson, 2011; Sultana, 2011:3; Kabeer, 2012: 12) lack of access to credit because most women do not own the land they cultivate, credit institutions do not normally lend money to them; poor extension service due to the fact that compared to men, women do not get the best from extension officers because of biasness toward women by male extension officers (Razavi, 2007: 1486; Collett & Gale, 2009: 27) and customary practices that relegate them to reproductive roles only (Brown 1994:27, Reeves & Baden; 2000: 8, ECA; 2004: 69; UN, 2005: 10; Blackden, Canagarajah & Lawson, 2006: 5). Women produce half or more of the food grown in the world, which is an indication that they play a crucial role in the economy. They are however not visible as they are not involved in decision-making and are only used as cheap labour by men who are in decision-making positions (Prakash, 2003: 5-11; UN, 2008: 7; World Bank, 2012: 224; Rao, 2012: 2-4). Land is an economic asset which can help women generate income, women deserve to

have equal access just as men do because land has the potential to increase women's bargaining powers both inside and outside the house.

The unequal division of household labour is seen as one area that holds women back in terms of entering into the broader economic spectrum. Reproductive work leads women to getting low paying jobs since they have to balance reproductive roles and productive roles (UN, 2005: 10; Lingam, 2005: 9; UNRISD, 2010: 108; Bosch, 2011: 20; World Bank, 2012: 219; Kabeer, 2012: 21; Orr & Meelis, 2014: 33) The reproductive role played by women can thus be viewed as crucial since it creates and nurtures a society or working class as argued by Marxist theory thus continuously creating a vehicle for production which men rely on.

2.5.2 Political system

In terms of political participation of women, they are poorly represented in political structures because customary practices prevent women from participating in decision-making structures (Prakash, 2003: 3; Tasli, 2007: 40; Arat, 2010; Domingo, 2013: 20) such as attending community meetings where decisions are made about land. The unequal division of labour, especially household labour makes it difficult for women to participate, either in the economy or politics at the same level as men because they spend more time on reproductive roles than productive ones. It is important that women be represented at these structures because their aim is to mainstream gender issues into political and economic processes. Political structures support the empowerment of women and the elimination of gender inequality (UN, 2005: 6; UN, 2008: 9 UN, 2009: 23). The involvement of women at the political level gives them a greater opportunity to influence policy so that there are policies that are gender-sensitive (Reeves & Baden, 2000: 8; UN, 2005: 16; World Bank, 2012: 217; UN Women, 2013: 31). To buttress this assertion, when women have a political voice, they are able to make inputs regarding decision-making and thus influence a fair distribution of resources. When women influence things at a political level, it also spills over into their homes and will give them a voice to be at an equal footing with their male counterparts. This will improve their bargaining power and improve access, ownership and control of land.

2.5.3 Family

The family is an institution where socialisation takes place. It is where the construction of male and female behaviours takes place before it spills over to other areas like the economy, religion and politics. Children learn to associate roles with sex based on how it is modelled by the parents or other extended family members in the household. The family is regarded as the first institution to perpetuate female oppression and discrimination. Male dominance is a learned behaviour because children learn how to connect gender and the power relations that are associated with it. The value that is placed on a boy child makes him realise that he is better and important than the girl child. This is also apparent in the division of household labour. Boys are socialised to believe and know that they are superior, decision-makers, protectors, brave, house of households, independent and assertive, whereas girls are taught to be submissive, to always strive to please men, to become mothers, soft, sensitive, passive, dependent, obedient and to be submissive housewives. This kind of socialisation promotes autonomy for boys and dependency for girls (Eagly & Karau, 2002; Crespi, 2003: 2; Kambarami, 2006: 2; Wallace, 2007; Marks, Bun & McHale, 2009; Stanford Encyclopaedia of Philosophy, 2010: 10; Hamieh & Usta, 2011: 11; Sultana, 2011: 8). Therefore it suffices to indicate that the socialisation of women in becoming dependent on men is the cause of pressure on women, to get married and also stay in relationships that do not work, because society, both men and women included, view unmarried women as lacking the support they need from men. This is because when a woman is socialised not to be independent, she will never develop and perfect her own leadership skills and participate in “male dominated” activities. It would then be difficult for most women to want to access, control and own land on their own, because this entails making decisions about what to plant, how to access markets and the division of the profit made from the land except to cultivate the land to improve household nutrition. Women may never see themselves as farmers in their own right, because even those who try to break away from the norm are ostracised by men and also by other women. Even structures that are supposed to support women in times of conflict or violation of rights are controlled by men who normally rule in the favour of men.

2.5.4 Religion

There are aspects of religion that are used to oppress women especially where women are taught to be docile and obedient to their husbands. This is said to perpetuate male dominance because men are socialised to be independent, strong, decision-makers, and to control women. It is through religion that men are socialised to endorse or reaffirm patriarchal practices like the wearing of the head scarf by Islamic women which is said to be holy and worn only by women. These practices are a setback to women in terms of self-determination because they cannot question the “holy truth” as it will be viewed as an abomination to God who is viewed as male (UNRISD, 2007; Stopler, 2009; Arat, 2010). An assertion hotly contested by Mahmood (2006) who criticises the view of the veil as a sign of oppression. Mahmood argues that the veil has positive aspects such as reaffirming modesty, a requirement for a woman who wants to build a good relationship with God according to the requirements of the Quran. It is however important to note whilst religions are many, there are some that believe in male dominance whilst others do not. Even though there is no religion that perpetuate violence against any gender, there are instances where gender-based violence can somewhat be condoned, such as the burning or honour killings of women. This is further perpetuated by the lack of justice to uphold the violation of women’s rights as religion seems to supersede the application of the law (Johnson & Johnson, 2001; UNRISD, 2007; Stopler, 2008). The expectation is that women are supposed to conform to religious oppression without questioning it, in terms of them obeying their husbands.

In Christianity, the subordination of women is explained in terms of the bible by indicating that God made a covenant with Abraham and not Sarah, Eve was made from Adams’s rib which translates to Adam giving life to Eve and not the other way. Adam was also given power because he was asked to name Eve and everything else on earth. Eve is said to be the one who brought evil by eating from the tree of life hence her punishment to be subordinate to man (Kambarami, 2006: 4; Stopler, 2008). It can then be argued that men are viewed as custodians of religion since God is viewed as male and not female. Since God is viewed as powerful, the fact that he made a covenant with a man means that a man is close to God in terms of power and intelligence. Women then cannot begin argue with what God has said because God’s word is final and carries authority. It is argued that according to

Christianity, a woman is supposed to obey her husband, and the husband is supposed to provide for his wife, which then means that when a woman wants her land rights, she is taking over her husband's responsibility of being a provider. That goes against the teachings of Christianity.

2.2.4 Feminism and land ownership

Despite legislative framework all over the world including South Africa, that is aimed at eliminating discrimination against women in order to improve access to economic assets like land (Agarwal, 1994: 48; Federici, 2011: 1459; Nyukuri, 2006: 21), customary practices seem to supersede the legislation. This may be aligned to the fact that the custodians of these customary laws and practices are mainly men. Customary practices like wife-inheritance (Harrington & Chopra, 2010: 60; Kambarami, 2006: 7) devalue the status of women to that of property that can be inherited.

There are other institutions that perpetuate female oppression and discrimination such as the family institution. Most women who access land do so through male kinship which is normally marriage or through other male family members like sons, brothers-in-law or uncles (Deere & Doss, 1977: 138; Walker, 2002: 15; Duncan, 2004: 10; ECA, 2004: 69). The problem with accessing land this way is that women acquire use rights only, which can be terminated upon the death of a spouse, when the husband married other wives or due to divorce. Accessing land through male kinship means that the husband is viewed as the head of the family and the woman has to get permission to access land.

There is a need for women to move from subsistence farming to commercial farming so that they also take part in economic activities. The participation of women in the economy is sparse because of the unequal distribution of reproductive work (Brown, 1994: 27; UN, 2009: 5; Prakash, 2003: 2; Njuki, Kruger & Starr, 2013: 13). Women find themselves having to balance the two and reproductive work which is not assigned any monetary value takes a lot of their time which is detrimental to the elimination of poverty. This further reinforces the inferior status conferred to women by patriarchal practices. Even though women play an important role in the production of food thus ensuring food security, they do not own and control the land

they cultivate. Most women only have use rights which exclude them in decision-making as they do not own and control the land they cultivate.

2.7 THEORY OF CHANGE

The Pathways Theory of Change (2014) and Njuki, Kruger & Starr (2013) aims at addressing the underlying causes of poverty and women's exclusion. The focus is on the following domains of change; (i) capacity, (ii) productivity, (iii) household influence, (iv) enabling environment and (v) access. It ensures that there is transparent distribution of power dynamics whilst ensuring actions to be taken to address inequality.

2.7.1 Capacity

The argument is that women need skills, knowledge and self-confidence required to succeed in their roles and responsibilities as members of families and communities. From literature reviewed in this study, it has been mentioned that women who suffer the most in terms of access and ownership of land are those from rural areas. They are said to have low literacy levels as compared to their urban counterparts who seem to enjoy more land rights. It is important that women be capacitated with skills and an increase in their knowledge about land rights and to better manage their production on the land, hence the importance of extension services in capacitating women with new skills to better improve their yields. Women also need information on new technologies and systems (Prakash, 2003: 7; Steinzor, 2003: 3; Malhotra & Schuler, 2005: 71; Collett & Gale, 2009: 22; UN, 2012: 12; World Bank, 2012:2 27; Republic of South Africa, 2013). What usually happens is that women struggle to move from being subsistence farmers to commercial farming because they still depend on old farming techniques and out-dated technology which do not help them increase their yields than their male counterparts. They need to be empowered with new skills but the problem is that due to their dual role of performing both productive and reproductive roles, most rural women suffer from 'time poverty'. This tends to be a bone of contention to extension officers who are reluctant and biased because they view women owned or led projects as being very slow. This is because extension services do not take into account the roles women play both at work and at home.

2.7.2 Household influence

Women need enhanced influence over household decision-making, especially with regard to decisions about the division of household labour and the proceeds that come from the sale of land commodities like crops. Socialisation determines household division of labour. There are responsibilities for men and women which are determined by one being female and male. This kind of socialisation reinforces the position of women as inferior. There is a need for women to have enhanced influence over household decision-making, especially over household division of labour and the use of household income. According to perused literature on the gender division of labour at household level, reproductive roles performed by women disadvantages them because these roles are not seen as important and hence relegated to women whilst productive roles are relegated to men. Customary practices relegate reproductive roles like taking care of the family, fetching of firewood, water, taking care of the sick, attending community engagements like funerals, to women. These roles are important but do not have financial value placed on them unlike productive roles like making decisions about what crops to plant, access to the markets, profit made from sale of crops, which are assigned to men. It thus becomes important that the gender division of labour in the household does not disadvantage women and make it difficult for them to participate in the broader economy (Brown, 1994: 27; Reeves & Baden, 2000: 8; Prakash, 2003: 2; ECA, 2004: 69; UN, 2005: 10; Blackden, Canagarajah & Lawson, 2006: 5; UN, 2009: 5; World Bank, 2012: 217). Access to resources like land, credit and education by women has an influence on how household labour is divided. It improves women's bargaining powers both within the house and outside. Better educated women are said to have more bargaining and decision-making powers than women with low literacy levels (Brown, 1994: 35; Argawal, 1997; Marks, Bun & McHale (2009; Rao, 2012:4; Domingo, 2013: 7; Murugami, 2014). In my opinion, better educated women have knowledge of structures that support them and due to their education know their rights than most rural women, who have low literacy levels and are economically dependent on their men.

2.7.3 Enabling environment

Formal policies and informal cultural norms and expectations impact on women's potential and must be acknowledged and changed to achieve household resilience and women empowerment. There is dire need for behavioural, attitudinal and drastic change in norms and practices that discriminate against women in order to create an enabling environment for women to access and own land (Reeves & Baden, 2000:4; Pathways Theory of Change, 2014). For women to have a voice, they need to be involved in important structures that determines how resources are to be distributed, what laws to put in place in terms of policies and also changes in cultural norms that impede the progress of women in all spheres. According to literature, there is lack of representation of women in these decision-making structures. That makes it difficult for women to have their needs articulated and to make sure developmental initiatives take their needs into cognisance (UN, 2009: 23; Mutangadura, 2011: 13; Rao, 2011: 8). The norm however is that some traditional communities do not expect women to be involved in such structures, citing customary expectations and roles of women. Most of the time women who are involved in such structures seldom make inputs, but expect men to do so. The formation of women's land rights groups, land dispute tribunals, courts and other organisations that fight for the recognition of women's land rights will be beneficial for women (Mearns, 1999: 27; Prakash, 2003: 8; UN Women, 2013: 32). On the whole, these women land structures will assist landless women to be capacitated so that they know processes to follow in case of the infringement of rights. They will also act as support systems for women whose land rights are violated.

2.7.4 Access

Women need access to and control over productive assets and services including land, water, tools, inputs and both financial and extension services. Land is an important commodity, especially for rural people because it is the vehicle that rural people, especially women can use to eradicate hunger and poverty. Land offers security both in monetary terms as well as socially (UN, 2005: 6; Quan, 2006: 3; UN, 2009: 42; Gomez & Tran, 2012: 1). Although women play an important role in agriculture as food producers, they are said to have limited access to land. Only a few percentages of women worldwide own the land they cultivate (Prakash, 2003: 3;

Steinzor, 2003: 2; Kambarami, 2006; UN, 2008: 8). This is because unlike men who have land rights, women only have use rights which make their tenure of security insecure. Poverty has a female form hence the term feminization of poverty. Female headed households, unlike male headed ones are the one who suffer the brunt of poverty since they are the ones who are less likely to have access to land and other services like water, financial inputs and extension services (Lingam, 2005:4; Quan, 2006:25; Morrison, Raju & Sinha, 2007: 26; World Bank, 2012: 225). This can be attributed to societal patriarchal tendencies that regard male headed household as legitimate than female headed ones. Formal and customary practices like inheritance are some of the obstacles that make it difficult for women to have access to and control of land. Patriarchal tendencies seem to favour men than women in terms of land inheritance. These unfair inheritance practices reaffirm the position of women as inferior and thus their land rights (Brown, 1994: 4; Harrington & Chopra, 2010: 6; Prakash, 2003: 5; Harrington, 2008: 14; Deininger, Goyal & Nagarajan, 2010:2 1; Murugani *et al*, 2014). Whilst addressing the female land rights through inheritance practices it is important to note that since women are not a homogenous group, there are women albeit a small percentage, who are able to inherit and have secure land rights and tenure especially women who have inherited through matrilineal descent.

2.7.5 Productivity

Women need the opportunity, knowledge and skills to enhance productivity on the land through sustainable agriculture. The body of literature indicates that women play a vital role in the world in terms of agriculture. Women's involvement is crucial in terms of maintenance of food security at household level especially in rural areas (Quan, 2006: 25; Oluwatayo, 2009; Paradza, 2011a: 1). The reason for men to be mainly focused on household food security is because they do not have access to bigger plots and exposure to new technology for them to go commercial. In order for them to increase their yields and also have economic freedom, they need to have access to resources such as land and extension services. It is also important that women have access to credit in order for them to buy farm equipment and other needs like fertilizers. This will enable them to have better yields which will positively influence their access to markets (UN, 2005: 4; Paradza, 2011a: 10; Mbo'o-Tchouawou & Colverson, 2014: 2). Extension services need to be accessible to women as well. The trend, according to literature is that women do find it difficult to

access extension services like men because of the biasness of extension officers toward women, as men are regarded as decision-makers than women. It thus becomes important to tailor-make extension services to meet the needs of women by also taking into considerations women's productive and reproductive roles in the community (Collett & Gale, 2009: 27; Ayoade, 2012; Mbo'o-Tchouawou & Colverson, 2014: 2). Extension services should be tailor-made to take into consideration time allocated for training against time allocated for reproductive work. Women can be trained at intervals that allow them to also take care of other responsibilities like fetching fire wood and water. They should also take into cognisance the literacy levels of rural women so that training is at their level.

2.8 THEORY OF CHANGE AND LAND OWNERSHIP

Since women are the ones who bear the brunt of poverty than men (Baden & Milward, 1997: 1; Bridge, 2001: 1; Morghadan, 2005: 2), it is important that the underlying causes of poverty be addressed so that they can be eliminated. According to the Pathways Theory of Change (2014) and Njuki, Kruger & Starr (2013: 5) there are five areas that needs to be addressed in order for women to be empowered and that is; capacity, productivity, household influence, enabling environment and access. The fact that women who are involved in subsistence farming have low farming yields than men is said to be due to the inability to access land, extension services and credit. There are barriers which compound on women accessing land and rural women's low literacy levels act a serious barrier. The new farming technologies are not tailor-made for women to take into cognisance their literacy levels and reproductive work. A body of research indicates that it is also important for women to access credit, land, and be empowered with new technologies so that they can move from subsistence to commercial farming (Steinzor, 2003: 3; Collett & Gale, 2009: 22; Republic of South Africa, 2013). Women's empowerment will have a positive impact on their yields and create an opportunity for them to access markets and thus participate in the economy.

2.9 CONCLUSION

The awareness of the subordination of women began around the 19th century, hence the three waves of feminism. This implies that women have been aware of their low status in society and how that impacts on their human rights. The establishment of

women's movements have had a positive role in the enactment of legislation promoting gender equality. Different scholars also emerged to analyse feminism hence the different perspectives on feminism. Emerging perspectives such as intersectionality and masculinity argue that the role of men in eradicating the subordination of women should also be acknowledged instead of painting men as aggressive and abusers. There are more men only organisations established in communities and in work places to address female subjugation at the expense of them being exposed to violence and ostracisation. It is thus pivotal that challenges faced by men receive attention just like women without ignoring the fact that men still enjoy patriarchal privileges even though having challenges.

Patriarchy has had a major influence on how women and men relate to one another. This has led to power struggles where men are regarded as superior to women. It has also spilled over into major institutions of socialisation like the family, religion, economy and the political system. These institutions still relegate women to inferior status as compared to men. For women to participate fully in all facets of society, it is important that change be effected in these institutions, otherwise poverty amongst women will not be eradicated and their rights with regard to access, control and ownership of land can never be realised.

The unequal division of household labour has an impact on women participating in the economic spectrum. Despite the large amount of work done by women at household level such as fetching water, firewood and taking care of the cleaning and cooking, household labour is not recognised as important since there is no monetary value attached to it. If customarily household labour was not given to women, they would also be able to participate fully in productive work just like men. The creation of an enabling environment such as the creation of legislation to promote gender equality in terms of access to resources should also take into cognisance the reproductive and productive roles of women. Agricultural extension services for instances should be tailor made to accommodate the reproductive roles of women if they are to be assisted in increasing their agricultural yields.

In the next chapter the study focuses on the role of international treaties on land and gender. International treaties advancing human rights and as such the rights of women such as the Convention on the Elimination of all Forms of Discrimination

Against Women (CEDAW), the Beijing Platform for Action (BPA), The Millennium Development Goals (MDGs), the International Covenant of Economic, Social and Cultural Rights (ICESCR), the Universal Declaration of Human Rights, the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights (ICCPR) in relation to women and access to land and other economic resources will be discussed.

CHAPTER: 3 THE ROLE OF INTERNATIONAL TREATIES ON LAND AND GENDER EQUALITY.

3.1 INTRODUCTION

The chapter focuses on the international legislative framework regarding land reform in relation to how gender issues regarding land are perceived outside South Africa. Land is a key to life for many people including women, because it is responsible for improving the standard of living and offers economic independence. It is however a source of contention as it is a scarce resource and is thus used as a tool for discrimination and gender inequality. Land is a tool that gives rural women a voice politically and in other spheres as well (Mutangadura, 2004: 3; UN, 2005a: 6; FAO, 2005: 10; Ikdaahl, Hellum, Kaarhus, Benjaminsen & Kameri-Mbote, 2005: 18; Nyukuri, 2006:3; UN-Women, 2013: 3) such as community structures that are male dominated and have powers to allocate land. It is thus important that women do not only have access to land but own and control land as well. Having title deeds in their names or having land registered in their names gives women greater standing in society because land gives women greater bargaining powers within their households and in their communities. It is, however, important to note that the patriarchal order of society makes it difficult for women to access economic resources like land. This is due to patriarchal norms and values that assign women to lower status in society. This is all evident in the household division of labour, where women are assigned reproductive roles which cannot be measured in monetary terms although these roles are important for the survival of the sexes and the allocation of wage-decisions related responsibilities to men. This elevates men to positions of power and prestige than women. The subordination of women to men creates problems and inequalities in the distribution of resources and access to opportunities because it creates a platform where women are overlooked in the provision of land because they are regarded as minors and thus dependent on men.

The impact of the unequal division of labour and other cultural discriminatory values and practices has contributed to the low literacy levels, lack of skills, involvement in decision-making and access to credit and agricultural extension services for women (Reeves & Baden, 2000: 8; Prakash, 2003: 2; UN, 2009: 6). It can then be deduced that the lack of involvement for women, especially rural women in issues that relate

to the allocation of land and political decisions is the cause of subordination because women in urban areas who have high literacy levels have a greater chance of accessing economic resources than rural women. Women with high literacy levels stand a good chance in accessing land because they are represented in decision-making structures and have greater knowledge of their rights than women with low literacy levels. This however does not in any means indicate that men do not suffer from hunger, low literacy levels and so forth; it is just that women are more prone than men to experience discrimination due to already existing discriminatory cultural practices.

The inability of rural women to access land has led to serious human rights violations like killings, land grabbing, wife inheritance and discriminatory practices which do not recognise women as human beings but chattels. It is in the light of these and other discriminatory laws that has led to the international community to come up with measures to address discrimination of women in all spheres and that includes social, political, economic and environmental, such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action (BPA), The Millennium Development Goals (MDGs), the International Covenant of Economic, Social and Cultural Rights (ICESCR), the Universal Declaration of Human Rights, the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights (ICCPR). Most countries of the globe have ratified the mentioned treaties which are then legally binding to those that have signed them.

The mentioned treaties have sections or articles that address access to land or property by women, and also on education, poverty eradication, customary practices and marriage. It is acknowledged in this regard that the inability of women to access land has a serious impact on food security, poor participation of women in the market, poor access to credit and agricultural extension services. The inaccessibility of women to land curtails their bargaining powers in the households, socially and politically. It is the cause of exclusion in decision-making processes whether at household level or at community level.

3.2 INTERNATIONAL TREATIES WITH REGARD TO WOMEN'S HUMAN RIGHTS AND ACCESS TO LAND

The following treaties are the common treaties that have been ratified by many countries all over the world, namely, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), African Charter on Human and People's Rights (ACHPR), the Beijing Platform for Action (BPA) and the Millennium Development Goals (MDGs). What the treaties aim to achieve is that women and men should receive equal treatment in all spheres and should not be discriminated against on the basis of gender. The treaties also aim at changing societal attitudes towards women and creating a platform for redress in the event that rights are violated. The ratification of treaties by countries means that the treaties became law to those countries and must thus be adhered to.

3.2.1 The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) summarises the plethora of treaties that came into existence before its promulgation, hence it is regarded as the 'supreme law' or 'the international bill of rights for women'. It was adopted in 1979 and came into force in 1981. Around one hundred and eighty-seven (187) states have ratified this convention. CEDAW is based on the principle of equality between sexes with emphasis on the discrimination faced by women. A Committee on the Elimination of Discrimination against Women was set up and is responsible for receiving complaints from individuals or groups. Countries are expected to submit periodic reports about progress made with regard to gender equality with specific reference to women (Cotula, 2002: 22; UN, 2003: 27,37; Mutangadura, 2004: 4; UN-HABITAT, 2005:19-21; Nyukuri, 2006: 24; IWRAW, 2008: 2; Palama, 2008: 38). CEDAW obliges all state parties to:

"take all appropriate measures, including creating legislation to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women"

Following the ratification of CEDAW Kenya made some changes on laws governing divorce such as the Kenyan property laws which now allow women to access property and enter into contracts on equal footing with men. In case of divorce, however, women are only entitled to half of the property only if they can prove contribution (Cotula, 2002: 38; Ik Dahl, Hellum, Kaarhus, Benjaminsen & Kameri-Mbote, 2005: 87). This piece of legislation in Kenya is then discriminatory because most women would not be able to prove any financial contribution, but can show contribution in other ways such as the support they give their husbands through taking care of household and involvement in most of community activities which men may not be able to take part in as they spend more time on economic activities that have monetary value attached to them. Women's contribution would however not be regarded as "financial" contribution because society does not attach monetary value to work done by women, such as tilling the fields, harvesting, the storage of food, fetching water and firewood. In order to understand women's human rights in relation to access to land and other economic resources certain articles of CEDAW will be analysed in this chapter.

3.2.1.1 The provision of article 1 of CEDAW

According to the provision of article 1 of CEDAW;

Discrimination is explained (Article 1) as:

"any distinction, exclusion or restriction made on the basis on sex which has the effect of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status on the basis of equality of women and men, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field"

An example of a custom that discriminates against women can be the fact that women are not allowed to speak in the presence of men, especially at traditional gatherings. In most cases, although they may be allowed to attend, their opinions are not important because they are not allowed to speak. This limits their potential to contribute to discussions affecting their livelihood. India, Malawi and Kenya are cited as examples of countries that have constitutions adhering to article 1 of CEDAW.

The Indian constitution guarantees equality and prohibits discrimination on the grounds of sex, race, caste, religion or place of birth (Gopal, 1993; Agarwal, 2002a: 1). In India, property rights are looked at in terms of the Hindu and Muslim laws like the Hindu Succession Act of 1956 and the Muslim Personal Law Application Act of 1937. The previous Sharia law was discriminatory against women for instance if a woman would get half the inheritance of her male siblings and her marriage contract is between her male guardian which could be a father, brother or any other male relatives and her husband. Children were also affected by the Sharia law which made them eligible for marriage as soon as she began her first period. According to the Hindu Succession Act women's limited property rights are abolished and any property possessed by a Hindu female is to be held by her and she is also given full power to deal with it and dispose it of by will as she like. Daughters are allowed equal receipt of property on equal basis with male siblings.

Malawi ratified CEDAW in 1987 and other treaties that advance gender equality (White, 2007:2; FAO, 2011:2) and amended the constitution so that it ascribes to international human rights instruments like CEDAW in terms of non-discrimination. These instruments have been used as input in the constitution as well as the development of other legal statutes such as the Malawi National Land Policy of 2002 and the Wills, Inheritance and Protection Act No 14 of 2011. The provision of article 5 of CEDAW obliges all states to change social, cultural patterns and practices that discriminate against women. The change should be enforced in a form of the development of new legislation to protect women and the abolishment of existing laws, customs and practices that discriminates against women (article 2) and that violations of human rights should be punishable. These obligations are also covered by Sections 20 and 24 of the Malawian constitution (Mutangadura, 2004: 7; Mwambene, 2010: 85; Kathewera-Banda, 2011: 12).

Kenya guarantees protection from discrimination for women under Chapter 5 of Kenya's constitution. The Kenyan Constitution requires that land be held, used and managed in a manner that is equitable, efficient, productive and sustainable. According to the Constitution of Kenya there should be equitable access to land; security of land rights; sustainable and productive management of land resources; transparent and cost effective administration of land; elimination of gender discrimination in law, customs and practices; and encouragement of communities to

settle land disputes through recognized local community initiatives consistent with the Constitution. The non-discrimination clause however does not apply to certain tribes which is where customary law is supposed to apply. This is discriminatory because it denies women protection from discrimination by not covering areas where women's property rights are most vulnerable like marriage and inheritance. The application of law also depends on society's willingness to apply it and Kenyan women find it difficult to fight for the application of the law due to lack of financial resources or mostly due to lack of awareness of their own rights (Ellis, Cutura, Dione, Gillson, Manuel & Thongori, 2007: 3; Harrington, 2008: 7; Harrington & Chopra, 2010: 3; Odote, 2010: 7; Mburugu, 2013: 25). Article 23 of the International Covenant on Civil and Political Rights (ICCPR) in reference to marriage relationships, calls for parties to take appropriate steps to ensure equality of rights and responsibilities of spouses in marriage, during marriage and at its dissolution. As such it can be argued that even though Kenya ratified CEDAW in order to advance the rights of women, its laws especially with regard to inheritance and marriage are still discriminatory against women because it is only applicable to certain tribes in Kenya whilst excluding others. The tribes that are not covered are the pastoralist such as the Maasai, Pokot and Samburu tribes and the hunter-gatherers such as the Awer, Ogiek and Yaaku tribes.

3.2.1.2 The provisions of article 5 of CEDAW

Article 5 of CEDAW puts emphasis on *“modifying the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of whether of the sex or on stereotyped roles for men and women”*.

Emphasis is put on making sure that measures are put in place to change social and customary practices that put women in the subordination status. The domestic division of household labour which keeps women from participating in decision-making structures due to time poverty can fall under article 5 because women are loaded with productive chores which are seen to be inferior since they do not have any economic attachment to them; hence women are regarded as inferior as they only deal with work that is regarded as inferior such as taking care of children, fetching firewood and water. The fact that women are not allowed to speak at tribal

gatherings or “lekgotlas” as if they do not have opinions is a human right violation because culture is used to discriminate against them (Soyapi, 2014: 1455). Article 5 then puts emphasis on the abolishment of such cultural practices to ensure equality between men and women. In South Africa such cultures have been abolished through the Constitution which calls for the equality of all sexes under the Bill of Rights.

3.2.1.3 The provisions of article 14 of CEDAW

Article 14 of CEDAW is more relevant to rural women and their access to land. It also addresses issues that have a bearing on the inability of women to access land or property such as education and training, economic advantages with regard to agrarian reform as well as modern marketing facilities and technology. Article 14 obliges states to:

“Take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure on the basis of equality of men and women that they participate in and benefit from rural development”.

Agriculture is the main source of living for most rural women. It is the source of nutrition for their families. Yet women have less access than men to agriculture related assets, inputs and services including land ownership. Kenya’s Land Control Act No 34 of 1976 is a relevant example of how legislation can disadvantage women even though the aim was not to discriminate. The act was promulgated to prevent Kenyan’s from subdividing, selling or leasing land in the detriment of agriculture. It is meant to protect families, which includes women and children not to be left destitute as heads of households could sell land and leave children and their women homeless and landless. The act encouraged the formation of Land Control Boards with which permission to subdivide, sell or lease land was sought. It was imperative that all concerned groups give consent before a request is brought before the Land Control Board (Ik Dahl, Hellum, Kaarhus, Benjaminsen & Kameri-Mbote, 2005: 93; Harrington, 2008:9-10; Harrington & Chopra, 2010: 11-13). The act has good intentions however; the application of the act is a huge challenge because of the patriarchal nature of the control boards which were composed of mostly men by virtue of them being land owners. It goes without saying that the control board will

be biased towards women's issues if they were brought before them. It is however important to note that despite the existence of formal laws in Kenya, customary law takes precedence over formal law in the distribution of land in Kenya and in other countries around the world. This kind of practice in terms of allocation of land disadvantages women because of patriarchy which does not regard women as beneficiaries of land. It is unfortunate that society is under the impression that women have land rights when women only have use rights, because for women to have complete land rights, they should be able to access land at any time they want to, control what goes on with regard to when to plant, what to plant, and also control the proceeds that come from land and finally have ownership in a form of title deeds. This is despite the fact that women are responsible for contributing to agriculture and thus making a positive contribution with regard to food security at household level.

3.2.1.4 The provision of article 16 of CEDAW

Article 16 of CEDAW deals specifically with marriage and family relationships. State parties are required to

“take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations in particular shall ensure on a basis of equality, the ownership, acquisition, management, administration, enjoyment and disposition of property”

Most women access land through male kinship which is either through marriage, uncles or brothers. Usually women who do have access to land only have usufruct rights. Unlike what is purposed by CEDAW that equality should be ensured on the basis of ‘ownership, acquisition, management, administration, enjoyment and disposition of property’, Most or majority of women do not own land and therefore have little opportunity in deciding what crops to plant, make no decisions about the sale of crops and how the profit should be used, and also cannot dispose of the land if they want to. Instead when there is a change in relationships which can be due to family disputes, the death of a spouse, when a spouse marries another wife or divorce their security of tenure becomes shakable. This can accumulate into land grabbing and expulsion of women from the land. It thus becomes important for states to strengthen women's land rights as that will decrease violence against

women, improve food security and improve women's decision-making powers within households and out in the community.

An example is cited of Kenya's *Law of Succession Act No 160 of 2008* which governs rights to inheritance and how that has serious ramifications for women. Under this law, both boy and girl children and women have a right to inherit parents' properties. It is also applicable to wives and children from polygamous marriages. Widows rights to land and property automatically terminates when she remarries. The act applies to land that has been registered under the *Registered Land Act No 300 of 2010*. If land has not been registered as per the requirements of the *Registered Land Act No 300 of 2010*, customary law then applies. The provision of the Malawian law that a widow will only have access to land for as long as she does not remarry can be argued as discriminatory. This is because such a condition does not apply to men. Men can remarry and still have access to land whilst women loose access once they remarry through the provision of the same law. Most women in rural areas marry young, so if she is widowed at a very young age, she is expected to stay alone for the rest of her life so that she does not have to loose access to land (HRW, 2003; Ellis, Cutura, Dione, Gillson, Manuel & Thongori, 2007: 26; Nyukuri, 2006: 25; Harrington, 2008: 20). Things are however changing as women are being empowered and entering the workplace on equal footing with men allowing them to have decision making and bargaining rights.

3.2.1.5 The provision of article 22 of CEDAW

Parties that have ratified CEDAW are obliged under article 22 to *“refrain from engaging in any act or practice of discrimination against women and ensure that public authorities and institutions act in conformity with the obligation and take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise”*.

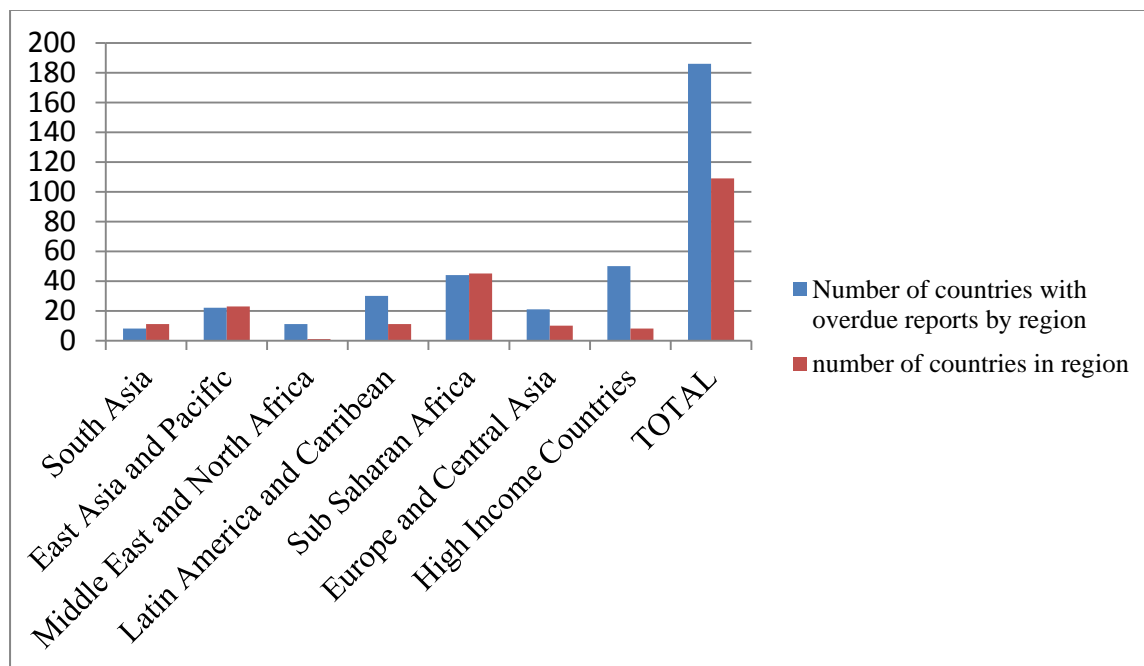
This provision applies to all organization, government or non-governmental institutions which fall within states that have ratified the convention. More countries like for instance Brazil, India, Malawi and Kenya made changes in their constitutions after ratifying CEDAW. Brazil ratified CEDAW in 1981 and has a non-discrimination clause in its constitution of 1988 which has positively improved women's legal status (Cotula, 2002: 13; Guivant, 2003: 16; Barsted, 2005: 38). Brazil also came up with

new legislation to promote gender equality whilst reviewing previous legislation that discriminated against women. The Brazilian constitution safeguards the rights of its citizens and guarantees the elimination of discrimination through acknowledgement of equality between men and women. Equality also includes access to property and land (Guivant, 2003: 20; Barsted, 2005: 54; USAID, 2011: 6).

Even though CEDAW has been ratified by more than one hundred and eighty-seven states (187), adherence cannot be accurately measured due to the fact that the submission of country reports as a requirement of CEDAW is still a challenge (Byrnes & Freeman, 2011: 14). Progress can thus not be monitored on whether countries are developing and implementing legislation and programmes to protect and promote women's human rights. The submission of reports indicates countries' commitment to implement CEDAW whereas non-submission indicates that countries may only be paying 'lip-service' and not really changing legislation and having plans to promote gender equality.

Figure 1 below indicates the number of countries with overdue reports by region including countries regarded as high-income economies. A high-income economy is defined by the World Bank as countries with a gross national income per capita above US\$12,746 in 2013. Examples of high-income countries are Australia, Austria, Bahrain, Belgium, Brunei, Canada, Cyprus, Denmark and Finland (Wikipedia; 2015). Fifty (50) high-income countries ratified CEDAW and yet they fail to submit periodic reports. South Asia has eight (8) overdue reports, East Asia and the Pacific has twenty-two (22) overdue reports, the Middle East and North Africa has eleven (11) overdue reports, Latin America and the Caribbean have thirty (30) overdue reports, Sub-Saharan Africa have forty-four (44) overdue reports, and lastly Europe and Central Asia with twenty-one (21) overdue reports.

Figure 1: Number of countries with overdue reports by region.



Source: Byrnes & Freeman (2011)

From Figure 1 above it can be deduced that although close to one hundred and eighty-five countries ratified CEDAW, adherence to the rules set out by the Committee on CEDAW to submit periodic reports, is not obliged to. Sub-Saharan Africa is leading followed by high-income countries and East Asia and the Pacific. In total close to sixty (60) countries have outstanding reports on how they are doing with regard to the implementation of CEDAW in their respective countries as in 2011. The shortcoming with the ratification of CEDAW is that there are no enforceable legal steps that need to be taken to enforce the submission of reports by specific countries. Some of the countries have never submitted reports since ratifying CEDAW whereas others have a period of more than five years of not submitting reports. Unless the United Nations comes up with serious penalties for the non-submission of reports, it would be difficult to gauge progress made by countries on gender equality measures. The submission of reports will assist the CEDAW Committee in assessing areas that need urgent attention regarding gender equality progress and also assist countries in coming up with plans and programmes to address gender inequality. The non-submission of reports does not necessarily mean countries in Africa are doing nothing regarding gender equality; most countries have reviewed their constitutions to include the equality clause. The inclusion of the

gender equality clause however does not mean fair implementation; cultural practices such as wife inheritance for instance may still be a problem.

3.2.2 International Covenant on Civil and Political Rights (ICCPR)

The covenant was adopted in 1966 and by 2004 had been ratified by one hundred and fifty-four (154) states. Countries that have ratified it are expected to submit periodic reports on progress regarding the protection of women's human rights. Just like CEDAW, the International Covenant on Civil and Political Rights (ICCPR) also has an article (article 23) that specifically refers to marriage relationships. The article calls for parties to:

“Take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution”.

In many countries women are regarded as minors hence they cannot enter into contracts without the assistance of male relatives who can either be brothers, uncles or older sons if the women are unmarried. They are sometimes treated as part of property because in some cultures women can even be inherited because if the husband dies, a male relative is assigned to take over the household to guard against men from other clans marrying the woman and thus benefit by getting the land left by the dead man. This is a practice that is most of the time forced on a woman and if she refuses she is often chased away from her home. Ironically the practice affects women and never men. In patriarchal societies, men are regarded as head of households whilst women are relegated to the same status as children because they are not consulted when major decisions are made especially with regard to economic resources like land. Instead, such decisions are made in consultation with male relatives like brothers-in-law, fathers-in-law, grown-up sons and other respected male members of the community.

Male children seem to occupy a higher rank than women because if for instance a woman wants to access land, her son will have to stand in for her as a head of the family in case she is unmarried, divorced or the husband has died. What human rights treaties are fighting for is equality between men and women in marriage so that they both enjoy the freedom of rights like the ability to negotiate contracts together with their husbands. Women mostly experience human rights violations

during the dissolution of marriage, like for instance evictions from their matrimonial homes, land grabbing and domestic violence. Socialist feminism describes the social order as a male-dominated gender order because men are regarded as strong, intelligent, and having leadership capabilities and hence their responsibilities are described as such. Women on the other hand are relegated to inferior status as they are deemed dependent on men. Women's roles are defined along the lines of motherhood, domestic workers and child-rearing (Pati, 2006:14; Lorber, 2010:1-1). Since women suffer human rights abuses in the different phases of marriage, the fact that there is an article that specifically addresses equality during and at the dissolution of marriage should be applauded. The existence of a law that guarantees equality in marriage however does not mean that what is contained in ICCPR is implemented. Countless women experience human rights violations even in the existence of such laws. This is caused by lack of knowledge on rights by both men and women and this can only be addressed by creating awareness on rights and the treaties regarding gender equality thus influencing change in societal attitudes toward women's human rights. The Malawi National Land Policy of 2002 guarantees security and equality with regard to access to land without gender discrimination. The act obliges the state to abolish customary laws that prohibit women's access to land and allows women to inherit and own land on equal basis with men (White, 2007: 30). It was enacted to regulate customary land. The act deals with issues of inheritance by allowing widows, widowers and orphans to inherit registered land and property should a spouse die without making a will. It thus encourages the registration of property either individually or family titles in respect of customary land. If customary land is unregistered at the time of death guidance is sought from patrilineal and matrilineal customary laws practices. The reliance of customary law to interpret formal law is a problem worldwide because most of the time customary law is hostile towards women's land rights since most cultures do not allow women to own and control land but would rather give use rights to them.

There are similarities between CEDAW and ICCPR (UN-HABITAT, 2005: 15-17; Lastarria-Cornhiel, 2006: 2) because both recognise customary, traditional, historical and religious attitudes and practices employed as a reason for the oppression of women. Patriarchal tendencies in some instances seem to manipulate the use of religion like for example Islam to condone gender-based violence whereas Islam is

against violence of any kind especially towards women. This is further perpetuated by the lack of justice to uphold the violation of women's rights as religion seems to supersede the application of the law (Johnson & Johnson, 2001; UNRISD, 2007; Stopler, 2008). Women are expected to be submissive as most religions demand them to obey their husbands at all times. It seems like women are not supposed to challenge any human rights violations against them because when they do, they are harshly reprimanded. The example of what is happened in India with the fatal shooting and attempted murder of Malala Yousafzai who is known for human rights advocacy for education and for women in her native Swat Valley in the Khyber Pakhtunkhwa province of northwest Pakistan, where the local Taliban banned girls from attending school is evidence of how dangerous claiming rights and being outspoken about human rights violations can be. Malala was nominated for the International Children's Peace Prize by South African activist Desmond Tutu and was also the co-recipient of the 1984 Nobel Peace Prize on the 10th December 1984 at the Oslo City Hall in Norway.

3.2.3 International Covenant on Economic, Social and Cultural Rights (ICESCR)

The covenant was adopted in 1966 and is being monitored by the Committee on Economic, Social and Cultural Rights, with which complains regarding violations of human rights can be lodged. Unlike CEDAW and ICCPR, complains cannot be lodged by individuals but by NGOs that deals with human rights issues pertaining to women (UN-HABITAT, 2005: 17-19; UN-Women, 2013: 5). An important comment was made by the Committee on Economic, Social and Cultural Rights in 1997 on forced evictions of women. This also applies to land grabbing which widows are exposed to due to the death of a spouse or during divorce. An exception however applies where a woman has older male children. She is vulnerable in instances where the children are still very young. The covenant calls for states to make sure that women are protected against evictions and perpetrators to be prosecuted. In African cultural stereotyping widows will be accused of killing their husbands hence their inability to inherit. That seems to give relatives a right to expel or grab the land away for the widow. It can then be deduced that even the community where widows stay will not help her but instead will support her ostracisation because it will be against the cultural practices that women cannot own land, thus leaving her to fend

for herself and her children, that is, if the kids are still very young and dependent on their mother. Women with older sons are seldom expelled or have land grabbed away from them.

3.2.4 African Charter on Human and People's Rights (ACHPR)

The African Charter on Human and People's Rights was adopted in 1981. Just like CEDAW, ICCPR and ICESCR, the charter is based on the protection of basic human rights irrespective of sex, age, race and gender. It also emphasises equality of sexes before the law and calls for the establishment of structures to protect women's human rights and the enforcement of laws that protect women. Just like the other treaties and charters, ACHPR also recognizes women's equal right to an equitable sharing of the joint property deriving from the property of separation, divorce or annulment of marriage. States are obliged to:

“Ensure equitable and non-discriminatory access, acquisition, ownership, inheritance and control of land and housing, especially by women. States are mandated to modify or prohibit harmful social, cultural and other practices that prevent women and other members of vulnerable and disadvantaged groups from enjoying their right to property, particularly in relation to housing and land”.

Unlike societal practices that prohibit women from inheriting land the treaty advocates for them to access land through inheritance as well as in other ways. Women deserve control rights to land like men. Government should desist from giving degraded land to women just as a token to justify that they have access to land but should let women have access to prime land. Access should include ownership and control. An example is Brazil's Civil Code of 1916 which was repealed by the Civil Code of 2002 that promotes the equality of sexes. The code deals with family rights, inheritance and property rights especially with regard to access, control and ownership of land. It is however important to note that the fact that there is a Civil Code of 2002 that promotes equality of sexes does not mean that there is no discrimination against women as is the case in Brazil. Rural women experience discrimination due to barriers like low literacy levels and access to the legal system (Cotula, 2002: 13; Barsted, 2005: 53; USAID, 2011: 6; ILC, 2011: 3). As a means of promoting gender equality Brazil established the National Council for Women's Rights (Law 7353 of 1985) whose members are elected by the Brazilian

President. It is however important to note that despite the enactment of the new Civil Code of 2002, the impact of the previous civil code is so strong that some of its discriminatory laws are still applied in practice.

The Indian Hindu Succession Act No 39 of 2005 is hereby used as an example of how law was used to modify and prohibit discriminatory practices against women. Whereas previously daughters were not allowed to inherit property on equal footing with their brothers, the act now allows daughters to inherit property on equal footing with their brothers (Agarwal, 2002:7; Parashar, 2008; Rao, 2011:3; UN, 2012:10). However, due to societal pressure which is patriarchal and does not allow women to own land, daughters rarely claim their inheritance and rather give their inheritance to their brothers in order to foster peace in their families and have male support in times of hardship (Agarwal, 2003; Rao, 2011: 7; Gomez & Tran, 2012: 6; Bhalotra & Chakravarty, 2013). From the mentioned argument about daughters forgoing their rights to claim their inheritance it can then be deduced that even when there is no pressure to forgo claiming land inheritance, daughters would do it because that is what is expected from 'a good woman'.

Another discriminatory part of the Indian Hindu Succession Act No 39 of 2005 is the recognition of coparceners in joint family property. Coparcenary refers to equal inheritance that was restricted only to male members of the Hindu family. Coparceners jointly inherit property and have unity of possession. Coparcenary means. The Indian Hindu Succession Act No 39 of 2005 gave women equal inheritance rights at par with men yet daughters were not given a birth right in the ancestral property. Coparcener is an accepted notion that men are entitled to family property by virtue of birth. This means that men will access, control and get ownership of property as they are expected to take care of women. The same principle is however not applied to women and that makes it discriminatory (Agarwal, 2003; Rao, 2011: 3; Bhalotra & Chakravarty, 2013). It can then be argued up that as long as women do not have coparcener powers just like their male counterparts, they will be forever at the mercy of their male relatives and these further renege them to inferior status and dependency on men. Since men are not obliged to take care of the women, they can expel them especially when there is a change in the relationship caused by divorce, separation or widowhood. According to Agarwal (2003) and Bhalotra & Chakravarty (2013), the Hindu religion controls the mobility of

women because it does not allow women to share spaces with other men, especially in public spaces. This is detrimental to women who have access to property because they will not be able to access resources that will assist them to become economically independent so, what they have become useless as they still have to get approval from men in terms of any decision with regard to land.

The Muslim Personal Law Application Act No 26 of 1937 on the other hand allows women to inherit property although they can only inherit half of what their brothers get. Sons are expected to take care of the women hence them getting a bigger share of the land than their sisters. Daughters are regarded as being in transit since they will marry and be taken care of by the families they marry into (Agarwal, 2003; Rao, 2011: 3; Bhalotra & Chakravarty, 2013). Just like the Hindu religion, daughters do not claim their inheritance for fear of bringing discord in their families should they claim their inheritances. Their mobility is also controlled in that they are not allowed to mingle with men in public spaces. Indian women just like other women around the globe, are also relegated to reproductive work and this increases their insubordination to men. According to Mann (2000:14), Agarwal (2002a: 15) and Agarwal (2003) and it is feared that should women have access to land, that will disrupt family and community relations. This notion further supports an assumption that Indian religion and culture is biased towards women accessing land and other economic resources. The availability of gender equality legislation has done little to change the lives of Indian women in terms of access, control and ownership of land. The Hindu and Muslim religions have a very strong patriarchal influence that perpetuates discrimination against women.

In Africa, Malawi will be used as an example to show lineage patterns that are not familiar in other countries. Malawi is one of the few countries having two types of lineage patterns which have a bearing on women and land rights, that is, matrilineal and patrilineal lineages. Matrilineal lineage communities are said to have a positive impact on women's land rights because land rights are secured since land is bequeathed to women. Marriage is a powerful institution in terms of determining women's land rights. Matrilineal lineages have two types of marriages, that is, *chikawini* in which a man moves to the woman's village in which case lineage is traced to the woman. There is no payment of *ilobolo*. Men have use rights with respect to land in this kind of marriage. Should the woman die, the man goes back

to his village and the land reverts back to the woman's family. Land in communities that practice *chikamwini* is bequeathed to daughters and sons although sons lose access when they marry and move out, daughters on the other hand do not lose access rights and can come back when widowed or divorced (Ngwira, 2001: 7; White, 2007: 5; ILC, 2011: 9; Paradza, 2011a: 6; Berge, Kambewa, Munthali & Wigg, 2014). Women's land rights under matrilineal customary marriages might seem secure but in reality women have use rights because they do not have control and ownership rights. Uncles, brothers and other male elders make decisions regarding land and are the only ones who have contact with the outside world which can include access to markets, credit and extension services. This increases the insecurity of tenure for women because the men can sell the land as it is becoming a scarce commodity and due to its commercialisation (Ngwira, 2001: 10; Deere & Doss, 2006: 29; AUC, ECA, ADB, 2010: 28; Kathewera-Banda, Kamanga-Njikho, Malera, Mauluka, Mazinga & Ndlovu, 2011: 25; ILC, 2011: 9). So the bargaining power which access to land is supposed to increase is not increased at all. Women are still dependent on men as they are not included in decision-making regarding what is supposed to be their land, based on their gender. Unlike other types of lineages, at least women are guaranteed use rights, that is, depending on whether the land is available when a need arises to use it or not.

Access to land through marriage and inheritance in patrilineal communities is practiced in North of Malawi. The marriage that is practiced in patrilineal communities is *chitengwa*. Lineage is traced to men. *Ilobolo* is paid in patrilineal communities, hence the woman moves to the man's village. The payment of *ilobolo* a woman is regarded as man's property. The woman gets use rights with regard to access to land, which she gets due to her being married into the family. Should the man die, her land rights can be terminated. She however has something to fall back on because she has use rights in her family of origin. She can however also inherit land from the family that she married into should the husband die, but only if she has a son. The son has superior rights to those of his mother because he is regarded as an heir. Should the women get divorced though, she is evicted and has no land rights. She is then forced to go back to her family (Ngwira, 2001: 7; Mutangadura, 2004:7; Deere & Doss, 2006: 29; ILC, 2011: 9; Kathewera-Banda, Kamanga-Njikho, Malera, Mauluka, Mazinga & Ndlovu, 2011: 12; USAID, 2011: 7; Berge, Kambewa,

Munthali & Wigg, 2014). Women's land rights under patrilineal lineage are insecure because she can only inherit land if she has a son. The choice of the sex of children for women (as it is with men) is scientifically impossible because she does not have the power to choose whether she will have a son or daughter. It seems like women are blamed for having male children because if they give birth to daughters their tenure of security becomes insecure whereas it is secure if she gives birth to sons. The value of boy children seems to be greater than that of girl children which perpetuates poverty and subordination amongst women. Since culturally women and daughters are not allowed to inherit property according to Cotula (2002: 17), White (2007:25) and Mwambene (2010: 99) it can then be argued that Malawian customary law does not differ from customary laws around the world because it also discriminates against women from inheriting, owning and controlling land. Women who are already married are expected to be taken care of by the families they married into, and daughters do not inherit because it is believed that they will eventually get married and it is believed that giving daughters land will enrich other clans.

3.2.5 The Beijing Platform for Action (BPA)

The Beijing Declaration and Platform for Action (BPA) of 1995 is a visionary agenda for the empowerment of women and is the outcome of the Fourth World Conference on Women, held in Beijing, China, in September 1995. The Beijing Platform was adopted in 1995 by one hundred and eighty-nine member states. It emphasises the protection of women's human rights, the eradication of poverty and promotion of women's economic independence, including ensuring equal access for all women to productive resources including land. Member States are mandated to put in place legislation regarding inheritance rights of girls and women, access to land, control of productive resources, access to credit, capital and property (UN, 2005a:5; UN-HABITAT, 2005: 43; Nyukuri, 2006: 25; Lastarria-Cornhiel, 2006: 3; UNECA, 2007: 7; UN-Women, 2013: 8). Traditional conventional cultural practices in Africa have limited practices for women to inherit, especially economic resources such as land. Culturally economic resource such as land were inherited by males since they are regarded as heads of household and responsible for promoting the family lineage or clan name. There is however cultures that allow women to inherit land like Malawi's matrilineal lineage although with limitations as indicated earlier on in the chapter.

The BPA is critically concerned about persistent and increasing burden of poverty on women and inequalities. The persistent and increasing burden of poverty on women, inequalities and inadequacies in and unequal access to education and training, inequalities and inadequacies in and unequal access to health care and related services, violence against women, the effects of armed or other kinds of conflict on women, including those living under foreign occupation, inequality in economic structures and policies, in all forms of productive activities and in access to resources, inequality between men and women in the sharing of power and decision-making at all levels, insufficient mechanisms at all levels to promote the advancement of women, lack of respect for an inadequate promotion and promotion and promote the advancement of women, stereotyping of women and inequality in women's access to and participation in all communication system, especially in the media, gender inequalities in the management of natural resources and in the safeguarding on the environment and persistent discrimination against and violation of the rights of the girl child (Palama; 2008: 38).

Most studies on poverty indicate that an increasing proportion of the world's poor are women hence the feminisation of poverty (African Development Bank, 2002:18; Moghadan, 2005: 2; UNECA, 2007: 4). Patriarchy has led to a situation where land is in the hands of men, with only a few percentages of women having access to land in comparison to their male counterparts. This simply means that wealth is in the hands of men than women since land is equated with wealth. The equal distribution of economic resources such as land will assist in reducing feminisation of poverty as indicated in critical area (i) as it deals with the persistent and increasing burden of poverty on women.

Certain critical areas have been selected as they have a bearing on women's human rights and access to land other economic resources and will be discussed below.

3.2.5.1 Inequalities and inadequacies in and unequal access to education and training.

Patriarchy used to favour boy children to get education other than girl children hence the low literacy levels of women today especially in rural areas. This affected women's ability to participate in decision-making structures. Traditional African customs do not allow women to participate in the formation of such structures and

even disallow them to engage with men in public (Kambarami, 2006: 5; Johnson & Johnson, 2011; Sultana, 2011: 3; Kabeer, 2012: 12). Women who have high literacy levels have a better chance of accessing land and other economic resources than women who have low literacy levels. These women are however a small percentage as compared to most women who abide to tradition in rural areas. It thus becomes important that women be capacitated with skills and an increase in their knowledge about land rights and to better manage their production on the land, hence the importance of extension services in capacitating women with new skills to better improve their yields. Women also need information on new technologies and systems (Prakash, 2003: 7; Steinzor, 2003: 3; Malhotra & Schuler, 2005: 71-85; Collett & Gale, 2009: 22; UN, 2012: 12; World Bank, 2012: 227; Republic of South Africa, 2013) which are normally given to men by agricultural extension officers as women are regarded as slow and unreliable. This is because women suffer from time poverty due to the fact that they have to balance work and household chores thus sometimes spending less time on agricultural activities than men. Information or awareness on land rights is normally done in a language that is foreign to rural women, like for example English, this renders rural women unknowledgeable about their land rights or where to go in case of the violation of their rights. This is also the case with agricultural extension services which are not tailor-made to reach out to women who have low literacy levels and are biased towards men who seem to benefit more from extension services than women.

3.2.5.2 Inequalities and inadequacies in and unequal access to health care and related services and Violence against women

The HIV and AIDS pandemic seems to be felt more by women than men and is a contributing factor to violence against women. This is because when men die and leave land in the hand of their wives, the widows suffer in the hands of male relatives who forcefully grab land and other economic resources away from them (FAO, 2002: 15; Walker, 2002: 29; ECA, 2004: 48; Verma, 2007: 17; Harrington & Chopra, 2010: 7). Women's land rights should be secure to avoid vulnerability which can be created by change in family structures especially in marriage like for instance during divorce or when husbands take second or third wives. When women have land rights, they should be able to enforce those rights and also have access to structures that will protect their rights when they are violated.

3.2.5.3 Inequality in economic structures and policies, in all forms of productive activities and in access to resources.

For women to have access to productive resources there should be policies and laws that abolish customary practices discriminating against women. Women also need to be involved in important structures that determine how resources are to be distributed to increase their access to such important resources. According to literature, there is lack of representation of women in these decision-making structures such as District Land Committees, Women in Agriculture and Rural Development (WARD) and Communal Land Committees which makes it difficult for women to have their needs articulated and to make sure developmental initiatives take their needs into cognizance (Kameri-Mbote, 2005: 15; UN, 2009: 23). The involvement of women through structures that represent their needs will help to pave way for women to have access to productive resources. Policies should be gender sensitive and aim at creating a balance in the allocation of resources. It would thus be proper for women to have preferential treatment in accessing economic resources to create balance between access to resources by both men and women, hence having policies designed specifically for women would be the right way to go. This can only be realized if there is a political will.

3.2.5.4 Inequality between men and women in the sharing of power and decision-making at all levels

Unequal power relations between men and women has the ability to lead to widespread violations of human rights such as keeping economic resources out of women's hands, closing off avenues for redress of discrimination and creating the conditions for gender-based violence. Achieving the goal of equal participation of women and men in decision-making will provide a balance that more accurately reflects the composition of society and is a prerequisite for the proper functioning of democracy and promotes the proper functioning of democracy. The reason women need enhanced influence in terms of decision-making, stems from the unequal division of household labour (ECA, 2004:69; UN, 2005:10; Blackden, Canagarajah & Lawson 2006: 5; UN 2009: 5). The unequal household division of labour has a serious impact on shared decision-making because it relegates decision-making and power to men since they are more involved in productive roles than reproductive

ones. In addressing the inequality between men and women in the sharing of power and decision-making at all levels, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken, an analysis is made of the effects on women and men respectively.

3.2.6 The Millennium Development Goals (MDGs)

The Millennium Development Goals (MDGs) are eight international development goals that were established during the Millennium Summit of the United Nations in 2000, following the adoption of the United Nations Millennium Declaration. All one hundred and eighty-nine (189) United Nations member states committed to help achieve them by 2015. The goals are about the promotion of gender equality and empowerment of women in order to combat poverty. There are eight (8) goals which are to:

Eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria, and other diseases, ensure environmental sustainability and develop a global partnership for development.

Certain goals of the MDG that have a bearing on women and access to land and other economic resource were selected for discussion.

Unlike most treaties, the MDGs has set eighteen (18) targets with forty-eight (48) indicators which are time bound and range from social, economic, political and environmental which must be reached by 2015 (African Development Bank, 2002: 1-7; UN-HABITAT, 2005: 48-51; Palama, 2008: 40; UN, 2009a: 3; Lawal, Obasaju & Rotimi, 2012).

3.2.6.1 Eradication of poverty

MDG1 relates to the eradication of extreme poverty and hunger. Most of the world poor are said to be women, hence the importance of enhancing women's property rights. The eradication of poverty through access to land amongst women will assist them to create a better future for their children, provide good nutrition for their families, and improve women's status in society. It will also give women greater

bargaining powers (Agarwal, 2003; Kimeri-Mbote, 2005: 9; Deer & Doss, 2006: 34; UN-Women, 2012: 5; UNECA, 2007:1; Gomez & Tran, 2012:7). There are however various constraints which contribute to poverty amongst rural women. These range from inability to access land, lack of control regarding production related resources, exclusion from decision-making, cultural biases, and patterns of inheritance that discriminate against women, marriage and social relationships (FAO, 2005: 11; UN, 2005a: 5). It is thus important that when developing legislation regarding land, that its impact on women be evaluated as is the case with the Registered Land Act 2012 of Kenya. The act was promulgated in order to do away with customary land ownership and instead promote individual or joint land ownership by encouraging Kenyan's to register their land. Once land is registered customary law ceases to be effective. Kenyan's were required to register the land that was allocated to them in the name of a title holder. People who had interest in the land were also requested to register with the title holder and these people referred to women and children. Even though the act was meant to protect women, it ended up discriminating against them because the patriarchal order predisposed men to registering land in their own names thus excluding women due to the fact that women never had land rights but had use rights instead (Ik Dahl, Hellum, Kaarhus, Benjaminsen & Kimeri-Mbote, 2005: 91; Nyukuri, 2006: 25; Kimeri-Mbote, 2006; Harrington, 2008: 8; Harrington & Chopra, 2010: 3). Chances are women would not even had information regarding the registration process because they would not even attend meetings where these were discussed and also not involved in decision-making at household and community level.

3.2.6.2 Achieving universal primary education

The main aim of the goal is the enrollment of all children in primary school and closing the gap between the enrollment of boy and girl children. Patriarchy used to favour boy children's education than that of girls. This is one of the reasons why the number of girl children who have not completed primary school is higher than that of boy children. Girls are expected to rather assist with household chores because that's what society expects them to do, rather than go to school (African Development Bank, 2002: 4; White, 2007: 12; UNECA, 2007: 38; DFID, 2010: 10). According the 2013 United Nations' Millennium Development Goals report, the enrolment trends for women have been changing in the last two decades albeit at a

slow pace. Literacy levels are said to have risen from 68 percent in 1990 to 89 percent in 2011 especially in Northern Africa, and from 60 percent to 81 percent in Southern Asia. Worldwide statistics indicate a rise in percentages for girls than boys with regard to school enrolment. The increase however would not mean that the challenges faced by girl-children do not affect the enrolment rate. The enrolment rate maybe higher for girls as compared to boys but most boys graduate from primary school than girls (Nmadu, Avidime, Oguntunde, Dashe, Abdulkarim & Mandara, 2010, UN, 2010: 52). In most rural areas in the world, girl children have high absenteeism rates because they have to take care of household chores before and even when they come back from school. Since most rural areas do not have access to water and electricity means that girl children have to walk long distances to fetch firewood and water thus having less time to do their school work. Poverty also plays a major role in absenteeism rates for girls because during their menstrual periods, they do not go to school because of lack of access to sanitary towels. This does not affect boy children who turn to have improved school attendance rates compared to girl children. Girl children are more likely than boys to drop out of school in order to help their families take care of sick family members. Poverty is already said to have taken a female form, so the low level of enrollment at schools by girls means that they will not decrease the level of poverty amongst women but add to it. The lack of education for girls means that they will grow up to be women with low literacy levels, be unable to compete in economic activities like men and thus help perpetuate the insubordination of women in society.

Table 1 below depicts the primary school enrolment rate of boy versus girl children in Northern Nigeria based on a cross-sectional study examining enrolment, dropout and primary school completion rate in three communities in Kaduna State.

Table 1. Children enrolled in primary school by class and sex, 2008 (N=1543).

Class level	Male	Percentage	Female	Percentage
1	197	60	134	40
2	171	56	136	44
3	148	53	131	47
4	155	60	103	40
5	109	61	71	39
6	112	60	76	40
TOTAL	892	58	651	42

Source: Nmadu, Avidime, Oguntunde, Dashe, Abdulkarim & Mandara (2010)

A total of eight hundred and ninety-two boys versus a six hundred and fifty-one girls were enrolled at primary school in the areas studied. The results of the study indicated that a majority of primary school enrolment were boys than girls and that again boys were in the majority when it comes to graduating from primary school. Girls were in the majority in terms of primary school drop-out (Nmadu, Avidime, Oguntunde, Dashe, Abdulkarim & Mandara, 2010). It can thus be correctly assumed that his situation is not only prevalent in Nigeria but in most developing countries. The situation is however different for South Africa as illustrated in Table 2 below which shows an almost equal enrolment between boys and girls. This may be attributed to the compulsory education system based on Section 3(1) of the South African Schools Act 84 of 1996 which makes it compulsory for children between the ages of seven (7) and fifteen (15) to attend school. In South Africa it is a criminal offence not to enroll children between the mentioned ages in school.

Table 2: Gender parity in education access for 7 to 15 year old children

	2002	2003	2004	2005	2006	2007	2008	2009
Male	96.0	96,7	97,4	97,6	97,4	97,6	97,8	98,3
Female	96.6	97,6	98,1	97,9	97,8	98,2	98,1	98,6
Total	96.3	97,2	97,7	97,8	97,6	97,9	97,9	98,5
GPI	1.01	1.01	1.01	1.00	1.00	1.01	1.00	1.00

Source: The Republic of South Africa: Department of Education (2011)

Table 2 shows that there has been a steady increase in the number of children enrolling in primary school over the years from the year 2002 to 2009. It also indicates that equity in education access has been achieved between male and female children aged 7-15 years old. This then posit that the gender gap in terms of literacy rate is gradually being closed in South Africa. From this table it can be safely assumed that the number of girl children enrolling at primary school level is at par with that of boy children.

3.2.6.3 Promotion of gender equality

According to UN-HABITAT (2005:6) and Kameri-Mbote (2005: 12) even though this MDG3 does not explicitly mention women's property rights, it however does include women's property rights in relation to inheritance and access to land. There are various barriers that hold women back in terms of participating in the economy and the body of research list them as low literacy levels which are caused by patriarchy that used to favour boy children to get education instead of girl children and which contributes to the inability to participate in decision-making structures albeit the fact that customary practices do not allow women to participate in the formation of such structures and disallow them to engage with men in public (Kambarami, 2006: 5; Johnson & Johnson, 2011; Sultana, 2011: 3; Kabeer, 2012: 12). It can be argued that gender equality will enable women to make meaningful economic inputs regarding their countries' economies through agriculture since they are said to be the one's producing half the world's food, if they have equal access to productive land like their male counterparts. The empowerment of women will thus have a positive ripple effect on all the MDGs like for instance, hunger will be eradicated (MDG1), child mortality will be reduced (MDG4), the enrolment of children especially girls at primary school will increase, (MDG2) and so forth. South Africa is confident that MDG3 will be met by 2015 as most of the targets set have been met already (Republic of South Africa; 2011: 19).

3.2.6.4 Child mortality

The goal is to decrease the mortality rate of children under the age of five, which is largely caused by malnutrition and preventable diseases (African Development Bank, 2002: 5; Kameri-Mbote, 2005: 6; Downes, 2005: 1). Globally, the mortality rate has drastically dropped in comparison from 1990 until 2013, although the trend

is not good for Sub-Saharan Africa and other countries. The impact of these countries is so large that they have an impact on the globe not being able to meet the MDG4 target (You, Hug, Chen, Newby & Wardlaw, 2013: 9). The malnutrition of children is linked to MDG1 which deals with the eradication poverty. Women are said to be responsible for providing half of the world's food hence the importance of them accessing productive land so they can provide food for their families. The ability of women to access not only land but credit and agricultural extension services will enhance the women's agricultural yields and that will contribute to the world's food security. The child mortality rate caused by malnutrition will then be a thing of the past since women will be having access to economic resources, they will be able to immunize their children, helping to reduce the mortality rate. This will also have a positive impact on family planning resulting in women having fewer children.

Table 3: The levels and trends in the under-five mortality rate based on the number of deaths per one thousand (1000) births by region from the years 1990 to 2013.

Region	Under-five mortality rate (deaths per 1,000 live births)						
	1990	1995	2000	2005	2010	2013	MDG target for 2015
Developed regions	15	11	10	8	7	6	5
Developing regions	100	94	83	69	57	50	33
Northern Africa	72	57	44	33	26	24	24
Sub-Saharan Africa	179	172	156	129	103	92	60
Latin America and the Caribbean	54	43	32	25	23	18	18
Eastern Asia	53	46	37	24	16	13	18
Excluding China	27	33	31	20	17	15	9
Southern Asia	126	109	92	76	62	55	42
Excluding India	126	109	94	78	67	60	42
South-eastern Asia	71	58	39	33	29	29	24
Western Asia	65	54	43	36	28	25	22
Oceania	74	69	67	64	58	54	25
World	90	85	76	63	51	46	30

Source: You, Hug, Chen, Newby & Wardlaw (2013)

As indicated on the graph developed regions are leading in terms of reducing infant mortality rate as compared to developing regions. This may be attributed to the fact that developed regions have fewer challenges as compared to developing regions because of their strong economies. Sub-Saharan Africa is not doing bad when comparing the one hundred and seventy-nine (179) deaths per one thousand (1000) births in 1990 and the ninety-two (92) in 2013. There is steady progress although it is far from meeting the sixty (60) set for 2015.

3.2.6.5 Combating HIV/AIDS

The HIV/AIDS pandemic has dire impact everyone but more especially women, with regard to access to land and other economic resources. Women who lose their spouses to the pandemic and other diseases, face challenges such as violence against them. Without the protection of their spouses, women are vulnerable to male relatives who forcefully grab land and other resources that has been left for them by their spouses (Walker, 2002: 29; FAO, 2002: 15; ECA, 2004: 48; Mutangadura, 2004: 12; Kameri-Mbote, 2005: 12; Ellis, Cutura, Dione, Gillson, Manuel & Thongori, 2007: 15; Verma, 2007: 17; Harrington, 2008:19; Harrington & Chopra, 2010: 7; AUC, ECA, ADB, 2010: 41; Paradza, 2011: 4; USAID, 2011: 7). This situation is exacerbated by the lack of structures to protect these women and little or no knowledge on where to go when rights are violated. Women's land rights will empower them through increased bargaining powers at household and community levels, and assist in the reduction of violence and the spread of HIV by improving women's sexual autonomy (Deere & Doss, 2006: 40; Gomez & Tran, 2012: 2). Women's empowerment through access to land will also assist them to be better equipped to deal with cultural practices like wife inheritance and cleansing which exacerbates the spread of HIV and promotion of violence against women.

3.3 CONCLUSION

Even though there is a plethora of treaties for the abolishment of all forms of discrimination against women, the discrimination and violation of women's human rights with regard to access to land, like customary practices which affects how women participate in political and social spheres, the implementation of the obligations as stipulated in the treaties still remain a huge challenge. The best laws do not guarantee the enforcement of rights if there is nothing done to address

cultural practices that still discriminates against women. It is however important to appreciate that the fact that many states have ratified the treaties is a positive step towards abolishing the discrimination and violation of women's human rights. For instance, CEDAW is used by many countries to interpret constitutional and inheritance rights of women during disputes. Most countries revised their land reform legislation and put in place new legislation that empowers women to access economic resources like land. It is however important to note that cultural practices still continue to supersede formal law because if cultural attitudes do not change to realize that women's rights are also human rights, customary laws will continue to supersede formal law. The interpretation of law by courts still put women in a position of subordination especially when coming to issues of inheritance due to internalized prejudice against women by men. Efforts to advance gender equality should be included in states' political will, otherwise everything said and done about gender equality will be empty promises.

The inability of women to access land is a violation of human rights as it impacts on many spheres of women's lives like poverty eradication, involvement in decision-making processes, participation at political level, lack of access to education, credit, agricultural extension services and other important resources that uplift the standard of living in a given society. Patriarchal tendencies in society makes it difficult for women to access land and they are faced with hostility should they try and claim their rights. Although all the treaties address the issue of inheritance since it here that most human rights violations occur, it cannot be ignored that in reality most women do not inherit land and if they do, they either get a small share compared to their male counterparts, or they give up their inheritance to foster peace amongst family members. Secure land should encompass ownership of land by women in terms of them having land registered in their names. This is the only legal document that can enhance women's land rights because they can be able to make decisions without being subject to any conditions. Women can then be able to be financially independent, claim their political voice and have a better social status than that of insubordination. They gain greater bargaining powers than women who do not own land.

The chapter that follows focuses the South African perspective on land reform with reference to legal framework and programmes. The chapter will discuss the South

African Constitution, the establishment of chapter 9 institutions, and the Promotion of Equality and Prevention of Unfair Discrimination Act.

CHAPTER 4: THE SOUTH AFRICAN PERSPECTIVE ON LAND REFORM WITH REFERENCE TO LEGAL FRAMEWORK AND PROGRAMMES

4.1 INTRODUCTION

Racial segregation and its dire impact on land for the black population of South Africa began as early as the 1700s with the arrival of Dutch settlers in the Cape of Good Hope. The Dutch's arrival was characterised by a series of wars over land with the San people. When the apartheid government got into power it also came up with more laws to dispossess black people of their land and to control their movement. The passing of the *Land Act No 27 of 1913* was aimed at setting aside land regarded as Native Reserves where black people were only restricted to buying 8% of land. The act was followed by the *Native Administration Act 38 of 1927* and the *Bantu Laws Amendment Act 42 of 1964* in which powers to govern black people were given to Tribal Chiefs to administer land. This led to the creation of the homeland system which segregated blacks into ethnic groups. This led to the birth of homelands like KwaZulu, Gazankulu, Lebowa, KaNgwane, KwaNdebele, QwaQwa, Transkei, Bophuthatswana, Venda and Ciskei (Mhago & Samson, 2001: 113; Irogbe, 2003: 11; Du Plessis, 2011: 45; Pheko, 2014: 2). The homesteads were desolved in 1993 through the enactment of the *Transitional Constitution No 200 of 1993* which divided South Africa into provinces, namely, Mpumalanga, Gauteng, North West, KwaZulu Natal, Eastern Cape, Western Cape, Northern Cape, Free State and Limpopo provinces.

Prime agricultural land was in the hands of whites whereas barren land with poor rainfall patterns was set aside for black people. This inability of black people to farm their land affected household income and contributed to high poverty levels and ultimately hunger. The aim of the 1913 Native Land Act was to allocate more land to whites, plunge black people into poverty as it prohibited any form of farming that could enable black people to be self-sufficient, thus creating a cheap pool of labour for white farmers. Black men had to migrate to farms to find work and thus left their families in the care of women (Adams, 2000: 1; Walker, 2002: 7; FAO, 2002: 25; Rugege, 2004: 1; Ikdahl, Hellum, Kaarhus, Benjaminsen & Kameri-Mbote, 2005: 59; Thwala, 2006: 58; Kahn, 2007: 2; Sebola & Tsheola, 2014). It can then be deduced that it became the responsibility of women to put food on the table for their children's

consumption through agriculture on whatever piece of land that was available since the men were working on industries far away from home.

South Africa ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on the 15th December 1995, which was exactly a year after the first democratic government elections. By ratifying this treaty, the South African democratic government committed itself to adhering to the treaty. CEDAW was not the only treaty signed by the South African government, other treaties like the Millennium Development Goals (MDGs) of 2000, the International Covenant on Civil and Political Rights (ICCPR) of 1998, International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1994, the African Charter on human and People's rights of 1996 and the Beijing Platform for Action (BPA) in 1995 were also signed. The commitment of the government played a role in the inclusion of the equality and property clauses in the South African Constitution under the Bill of Rights. CEDAW obliges all state parties to:

“take all appropriate measures, including creating legislation to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women”

Hence the South African government had to review the land reform programme which discriminated against black people and dispossessed them of their land. Other legislation to promote gender equality was developed whilst others were reviewed such as the *Recognition of Customary Marriages Act No 120 of 1998* which recognises marriages that took place before its existence and motivates that they be registered with the Department of Home Affairs and the *Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000* which prohibits unfair discrimination on the grounds of gender and sex both in public and private spheres which includes relations, employment, land rights and social benefits.

When the African National Congress (ANC) took over from the apartheid government in 1994, it had to work hard to reverse the legacy of apartheid hence the introduction of policies like Growth, Employment and Redistribution Strategy (GEAR) of 1996, Accelerated and Shared Growth Initiative – South Africa (ASGISA) of 2004 and Reconstruction and Development Programme (RDP) of 1994 under the leadership of the former Presidents Nelson Mandela and Thabo Mbeki. All other policies adopted

did not receive the much publicity like the Reconstruction and Development Programme. The Reconstruction and Development Programme (RDP) was one of the African National Congress (ANC) manifesto to negotiate getting the land back to its rightful owners. The intention of the RDP policy document was to undertake land reform under three auspices, i.e. (i) Restitution which is meant to restore land to those disposed of it through discriminatory laws; (ii) Redistribution which was aimed at making land accessible to those who had previously been denied access and; (iii) tenure reform which is aimed at giving security of tenure to labour tenants, farm workers and other rural dwellers who lived on land without secure rights (Adams, 2000:2-4; Hall, 2004:12; Kahn, 2007:5-6). The RDP policy considered gender equity which is mentioned under section (2.4.2) that, all forms of discrimination against women's access to land should be removed. South Africa still faces serious challenges in the implementation of these three pillars as mentioned above. Designing implementable procedures from policies is a challenge because policies meant to advantage women on the ground in terms of accessing land remain unimplementable. There is also lack of political accountability about women's access to land (Kahn, 2007: 6; Walker, 2002: 55). This chapter therefore provides the South African perspective of land reform and the legislative framework governing land reform to benefit women in agriculture.

4.2 LEGAL FRAMEWORK ON GENDER EQUALITY AND ACCESS TO LAND

After ratifying CEDAW in 1995, South Africa introduced the legislation to protect women's human rights and promote access to land such as the Constitution, Promotion of Equality and Prevention of Unfair Discrimination Act, the Recognition of Customary Marriages Act and the establishment of chapter 9 institutions as per the mandate of the South African Constitution.

4.2.1 The Constitution of the Republic of South Africa, 1996

The *South African Constitution of 1996* prohibits discrimination on the basis of sex, gender, age, pregnancy, disability, sexual orientation, marital status, language, social origin, culture and religion, conscience and belief. It also includes non-sexism on the Bill of Rights (South Africa Constitution, 1996: 11; Mann, 2000: 9; FAO, 2002: 247; Walker, 2002a: 14; Cotula, 2002: 47; Ikdale, Hellum, Kaarhus, Benjaminsen & Kameri-Mbote, 2005: 59-60; Knox, Duvvury & Milici, 2007: 4; Budlender, 2011: 2).

The Constitution is the highest law in the country and it was adopted to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights. These rights are listed in the Bill of Rights, in Chapter 2 of the Constitution of the Republic of South Africa, 1996. The Constitution of South Africa is hailed as one of the best in the world.

The following are some of the key sections on the South African Constitution that have implications on the rights of women according to Palmary (2006: 6) and the South African Constitution (1996);

- Section 9: Freedom from unfair discrimination on the basis on gender and the right to equality,
- Section 15: Freedom of religion, belief and opinion which recognises customary and religious practices stressing that they should be compliant with the Constitution,
- Section 25: The right to property,
- Section 26: The right to adequate housing,
- Section 29: The right to basic education, this includes basic adult education,
- Section 34: The right to access to courts.

It is however also important to note that whilst the constitution has the equality clause, it recognises customary law which is a contradiction on gender equality. The Constitution allows that “a traditional authority that observes a system of customary law to function subject to any applicable legislation and customs, which includes amendments to, or repeal of that legislation or those customs.” The courts are required to apply customary law when that law is applicable and thus the institution of traditional leadership and its role in the democracy is then recognised and acknowledged. This then creates conflict between customary law and statutory law in terms of implementation since it is in customary law where women’s land rights are violated. (Albertyn, 2009: 170; Mhago & Samson, 2011: 116; Budlender, & Alma, 2011: 10; Ndulo, 2011: 98; Nnadi, Chikaire, Osuagwu, Ihenacho & Egwuonwu, 2012). Religious and customary laws are known to perpetuate discriminatory practices towards women because it is in customary practices that women are regarded as minors and put under the guardianship of men. So even though the

constitution says customary law is subject to the constitution, on the ground this means nothing to women due to strong patriarchal practices which seem to overpower formal law. However, the constitution is important because it creates a foundation on which women's rights to property and land may be realised. This is because it assists in the development of legislation regarding property rights in order to foster gender equality. Should a country's constitution lack a clause that addresses gender equality and access to property and land, women's rights will be difficult to be implemented.

After intense negotiations with the apartheid regime the property clause was included in section 25 of the Constitution of South Africa, 1996 and it governs the land reform programme, it reads as thus:

- (1) no one may be deprived of property except in terms of law of general application and no law may prevent arbitrary deprivation of property*
- (2) property may be expropriated only in terms of law of general application*
 - (a) for public purposes or in the public interest; and*
 - (b) subject to compensation the amount of which and the time and manner of payment of which have either been agreed to by those affected, decided or approved by a court*
- (3) the amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interest of those affected, having regard to all relevant circumstances including-*
 - (a) the current use of property*
 - (b) the history of the acquisition and the use of the property*
 - (c) the market value of the property*
 - (d) the extent of direct state investment and subsidy of the acquisition and the beneficial capital improvement of the property and*
 - (e) the purpose of the expropriation*
- (4) for purposes of this section-*
 - (a) the public interest includes the nation's commitment to land reform and reforms to bring about equitable access to all South Africa's natural resources and*
 - (b) property not limited to land*

- (5) the state must take reasonable legislative and other measures, with its available resources, to foster conditions which enable citizens to gains access to land on an equitable basis*
- (6) a person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress*
- (7) a person or community disposed of property after 19 June 1913 as a result of past racially discriminatory or practices to the extent provided by an Act of Parliament, either to restitution of that property or equitable redress*
- (8) no provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform in order to redress the results of past racial discrimination, provided that any departure from provisions of this section is in accordance with the provisions of sec 36 (1)*
- (9) Parliament must enact legislation referred to in subsection (6)*

In lieu of the Constitution's requirements, especially according to section 25, subsection (6) of the Constitution of the Republic of South Africa, land reform legislation was developed in order to facilitate access to land by South Africans. This was done under three programmes, which are restitution, redistribution and tenure reform. Restitution is aimed at addressing people who were dispossessed of their land by the 1913 land act cut-off date. It intends returning land or give compensation to those dispossessed due to racially biased laws (Walker, 2002a: 41; Rugege, 2004: 28; Weideman, 2004; Ik Dahl, Hellum, Kaarhus, Benjaminsen & Kameri-Mbote, 2005: 63; Meer, 2013: 11; Sebola & Tsheola, 2014). The intention was to distribute thirty percent (30%) of white-owned agricultural land to black people by 2014. As of 2014 less than ten percent (10%) of land has been redistributed. The government realised that it will not be possible to reach the target and is now reviewing policies and coming up with other measures to acquire land. The redistribution programme was developed to make provision for the poor in order to enable them to access land for agriculture and for residential purposes. (Walker, 2002: 45; Irogbe, 2003: 14; Ik Dahl, Hellum, Kaarhus, Benjaminsen & Kameri-Mbote, 2005: 61; Kahn, 2007: 9; Meer, 2013: 10). Tenure reform's aim is to address communal land in former homelands like KaNgwane, KwaZulu, Gazankulu, Lebowa, KwaNdebele, QwaQwa, Transkei, Bophuthatswana, Venda and Ciskei by securing the tenure of farm dwellers living on

white owned farms who have access to residential land; and labour tenants who also have access to grazing land for their livestock or arable land in return for offering unpaid labour to the owner.

The property clause applies to all citizens of South Africa which includes women as they are affected by previous laws and practices that discriminated against them, just as those laws discriminated against men. In practice, however, the availability of the property clause has made little change on the ground. It is still difficult for women to access land on equal footing with men. Just like black men who suffered under apartheid laws preventing them from owning land, women were also prevented from owning land through customary laws which were restrictive on women accessing, owning and controlling land. As an example, trusts and land committees established through the restitution and redistribution programmes are mostly male dominated. It was only recently (1998) that women's legal status in customary marriage was recognised through the *Recognition of Customary Marriages Act No 120 of 1998*. Table 1 below indicates ownership of land by women.

Table 4: Individual land ownership by province in 2010

Province	Gender (hectares)			Total
	Male	Female	Not identified	
Eastern Cape	3,364,966	448,733	144,898	3,958,597
Free State	3,054,269	777,577	139,369	3,971,215
Gauteng	221,760	107,135	11,193	339,204
KwaZulu-Natal	896,201	177,720	111,663	1,185,584
Limpopo	942,831	304,717	49,711	1,297,259
Mpumalanga	878,623	777,577	28,970	1,162,810
North West	1,821,884	557,662	96,562	2,476,108
Northern Cape	9,080,590	2,083,258	146,520	11,310,369
Western Cape	2,465,129	479,140	92,210	3,036,478
Total	22,726,252	5,191,159	821,096	28,737,622

Source: Department of Rural Development and Land Reform land audit report (2010)

From the above table it is clear that the gap between ownership of land between men and women is still very wide because a total of 22,726,252 hectares of land was allocated to men compared to the 5,191,159 allocated to women in 2010. Northern Cape has allocated more land (2,083,258) to women than any other province, followed by Free State (777,577), and Mpumalanga (777,577). It is however important to note that even though Northern Cape seems to be doing better than most provinces with regard to land allocation to women, the gender discrepancies are very high because a huge chunk of 9,080,590 hectares of land was allocated to men in 2010. Gauteng has limited agricultural land hence the small hectares (221,760) allocated to men and 107,135 hectares to women. It is however encouraging to note that half of the agricultural land acquired from Gauteng was allocated to women. As a result it can then be argued that Gauteng is the only province that has managed to engender its land allocation properly as compared to other provinces.

4.2.2 The establishment of chapter nine institutions

The Constitution gives a directive for the establishment of institutions that will strengthen constitutional democracy in South Africa. Six (6) independent institutions were established and two (2) of them are relevant to women and their human rights, and those are the Commission for Gender Equality (CGE) and the South African Human Rights Commission (SAHRC). These institutions are independent and are accountable to the National Assembly to whom they report their performance. They are appointed by the State President.

4.2.2.1 The Commission for Gender Equality

The Commission for Gender Equality (CGE) was established according to sec 184 of the Constitution of the Republic of South Africa 1996. Section 187 (1) obliges CGE to “*promote gender equality and the protection, development and attainment of gender equality*”. This institution has the power to monitor, investigate research, educate, lobby, advice and report on issues regarding gender equality. Their mandate is to check compliance of the country with international and regional treaties and local legislation with regard to human rights (The Constitution of the Republic of South Africa, 1996; Cotula, 2002: 15; Palmary, 2006: 14; Budlender,

2011: 4; Williams, 2014). The powers of the Commission for Gender Equality have been recently observed where heads of Provincial Government Departments such as Department of Agriculture, Department of Education, Department of Economic Development, Environment and Tourism, Department of Public Works Roads and Transport, Emalahleni, Msukaligwa, Mbombela Municipalities and civil society organisation such as the Transvaal Suiker Beperk (TSB) and Buscor were called to give reports on efforts done by their departments to make sure there are gender equality programmes in the workplace. Those who did not heed the invitations were condemned before the equality courts. This is showing progress towards the implementation of gender equality in the workplace and in the communities.

Table 5: Percentage of women employed in the public and private sectors

	2008	2009	2010	2011	2012
Public sector					
Senior Management Service*	34.3	34.8	36	37	38.1
Private sector					
CEOs/managing directors	3.9	3.6	4.5	4.4	3.6
Chairpersons	3.9	5.8	6.0	5.3	5.5
Directors	14.3	14.6	16.6	15.8	17.1
Executive managers	25.3	18.6	19.3	21.6	21.4

Source: Department of Women, Children and People with Disabilities (2013)

*The Senior Management Service (SMS) includes directors, chief directors, deputy directors-general and directors-general.

Table 5 above depicts the percentage of females employed in the public and private sector. There has been an increase in the number of women employed in the public sector since 2008. Senior management positions were still below the target of 50 percent set by government. It is however important to note that the situation may have slightly changed in 2014-2015 fiscal year. The number of female directors and executive managers in private companies has decreased from 58 in 2008 to 41 in 2010 among the top companies. In the companies listed on the Johannesburg Stock Exchange (JSE), only 4.5 percent of chief executive officers (CEOs) and 19.3 percent of executive managers are women, with 73 companies not having a woman

on their Boards of Directors. The Employment Equity Commission (EEC) report of 2007 to 2009 found that women were more represented in administrative functions than in strategic decision-making functions.

4.2.2.2 The South African Human Rights Commission

The South African Human Rights Commission (SAHRC) according to sec 184 of the South African Constitution was established in order to “*promote the protection, development and attainment of human rights*”. This is also in accordance with CEDAW’s mandate which obliges all state parties to “*take all appropriate measures, including creating legislation to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women*”. The South African Human Rights Commission is established to support constitutional democracy. It is committed to promote respect for, observance of and protection of human rights for everyone without fear or favour. The Commission was inaugurated on 02 October 1995 under the Human Rights Commission Act 54 of 1994 and as provided for by the Constitution of the Republic of South Africa. The mandate of the Commission as contained in Section 184 of the Constitution of the Republic of South Africa of 1996 is to:

- *promote respect for human rights and a culture of human rights;*
- *promote the protection, development and attainment of human rights; and*
- *monitor and assess the observance of human rights in the Republic.*

The Commission has the powers, as regulated by the national legislation, necessary to perform its functions, including the power to investigate and report on the observance of human rights; take steps and secure appropriate redress where human rights have been violated; carry out research and do awareness campaigns on rights and responsibilities of all South African citizens (The Constitution of the Republic of South Africa, 1996; Cotula, 2002: 15). There are however challenges that are faced by the commission which include budgetary constraints due to underfunding, the location of the offices which are in urban areas and thus making the commission to be inaccessible to the poor or people in rural areas and the monitoring of adherence to ratified treaties due to shortage of staff (Human Rights

Commission 2014/2015). Below is a table showing some famous cases of human rights violations that were handled by the Commission.

Table 6: Noteworthy cases handled by the South African Human Rights Commission between April 2007 – March 2008

Case/matter	Right(s) violated	Status at the end of March 2007
Eksteenskuil Boerevereniging (Northern	Health care, food, water and social security	This complaint is based on the right to access water. These small scale farmers, depending solely on water in canals for both farming and drinking, allege that the condition of the water canals had reached such a state that they were not able to furnish water to most members of the community. The reason they advanced was that the Municipality had failed since 1994 to clean the dams in their area and as a result the dams were overloaded with silt. Since this Coloured community was previously part of the tri-cameral parliament and funded by the House of Representatives, they believe that the municipality was refusing to acknowledge them for this reason. After numerous attempts by the municipality to pass the buck to other state departments, and with the Commission's intervention, they eventually conceded that the community fell under their jurisdiction and therefore that they were to be afforded the services like all other communities in the area.
Cosatu matter (Western Cape matter)	Equality Freedom of expression	In September 2006, the Commission received a complaint from Agri-Wes Cape alleging hate speech and incitement to violence against the White farming community of Rawsonville. They claimed that, given the increased incidences of farm attacks, this kind of behaviour is highly irresponsible and also unwarranted. This was as a result of utterances made by a member of COSATU and others during a mass meeting and media conference held in response to allegations of assault and rape of a farm worker by farm owners. Prior to receiving the complaint from Agri Wes- Cape, an NGO, Women on Farms, requested that the Commission investigate the allegation of assault and rape as reported as well as other abuses like unlawful evictions, unfair labour practices and misconduct by police officials against farm workers within the Rawsonville farming community. The Commission investigated the allegations of rape and assault as

		reported but the victim has since publicly announced that she lied. The Commission released a finding on hate speech in this matter and closed the file subject to the parties' right to lodge an appeal against the finding of the Commission
FBJ Findings (Katopodis) (Gauteng matter)	Equality	The Commission received a complaint lodged by Ms Katy Katopodis, the news editor of Talk Radio 702 and 94.7 Highveld Stereo. Katopodis advised that an invitation was communicated to all newsrooms, including her organisation, regarding an inaugural imbizo of the Forum of Black Journalists (FBJ) The invitation stated that the notice was to be circulated amongst Black journalists in their respective newsrooms. At the said Imbizo, White journalists were excluded from attending and those who attempted to attend were subsequently requested to leave. Katopodis alleged that the issue in question is not the right to form an organisation of Black journalists but rather the exclusion of White journalists, who are committed to the achievement of equality and are committed to the elimination of discriminatory policies and/or practices of the past notwithstanding his/her race or ethnic or cultural origin, from being admitted as members of such an organisation. In order to properly address the complaint, the Commission proceeded to hold a panel discussion on Wednesday, the 5th March 2008 where parties presented their individual as well as their organisation's perspectives on the matters which arose. The Commission, although maintaining its finding that voluntary associations are in and of themselves not unconstitutional, found that the policy of the FBJ of restricting its membership on the basis of race would not pass constitutional muster. The Commission therefore recommended that the FBJ should revisit and amend its policies, particularly with regards to the provisions which relate to its membership, and until such time, the FBJ should desist from excluding membership to its organisation on the sole basis of race. This would open up the FBJ's membership to all races subject to the proviso that any person who chooses to become a member of the FBJ should subscribe to their principles and be committed to the advancement and empowerment of Black journalists.
Roberts and Others pension matter (age	Equality	This matter went to the Pretoria High Court on 11 and 12 September 2007. Judgment was reserved. Whilst the Commission was awaiting judgment in the matter, it noted that Government had since changed its policy in this regard and the

discrimination (Gauteng matter)		issue that had to be decided by the court in this particular case was thus rendered moot. On 18 February 2008 while delivering the State of the Nation Address, the President alluded to the fact that the age for men to qualify for old age pension would be lowered to 60 and be the same for men and women. On 20 February 2008 the Minister of Finance further confirmed the statement made by the President that the government proposed that the qualifying age for men for the old age pension should be reduced from 65 to 63 this year, to 61 in 2009 and to 60 by 2010, and that legislation would be passed to that effect. The Minister of Social Development further announced that government had set aside R800m to extend the pensions to those who would now qualify for the grant as a result of the amended policy that will be made into law
UOFS Case (Free State matter)	Equality Dignity	On Monday 25 February 2008 the Commission received a complaint that four White students at the University had made a video which showed them inhumanely and degradingly violating five Black workers at the University. The students who brought the complaint also presented a copy of the video and requested anonymity. The Commission engaged the University in its investigation of the matter, and is considering various options with regard to addressing the matter, which received international media interest and coverage. The Commission secured pro-bono legal representation for the victims, held several meetings with them to provide counselling and is attending to other labour and criminal matters arising from the incident
B Kengan (KZN matter)	Equality	The complainant is a White woman married to a man of Indian descent. She had offered to lease a flat in Amanzimtoti, however on perusal of the lease agreement, she noted a clause which stated that the flat could only be let out to people of the White race group. When she advised the owner that she was married to a man of Indian descent, he stated that it will not be a problem. He advised however, that he would have to consult with the other tenants in order to ascertain if they would accept living next to a non-White. The landlord subsequently advised her that she could not lease the flat as the other tenants were objecting to it. The KZN office lodged the necessary application papers in the Durban Equality Court. The matter was settled out of court and the settlement agreement was made an order of court. The following were made terms of the agreement: The owner to pay

		an amount of R10 000 in compensation to the complainant. o A notice to be placed in the building declaring the clause in the lease agreement unconstitutional.
Salah Akasha (Mpumalanga matter)	Equality Dignity	The complainant alleges that the chairman of Piet Retief golf club, the respondent, annulled the complainant's membership with the club on the ground of racial discrimination. The Commission referred the matter, on behalf of the complainant, to the Equality Court and the matter was settled out of court between the parties. The respondent apologised and a settlement agreement was drafted. File closed.
Frangeline Dikgale (Limpopo matter)	Housing	In this case the complainant was evicted from her common home by her in laws immediately after the death of her husband. This complaint resulted in three different court matters: In the first case the respondent issued an application for eviction of the complainant from the common home. The Commission opposed the application and on the return date the application was dismissed a point in limine which was upheld by the court. The respondent then made a reapplication for eviction, this time correcting the defects which were raised during the arguments of the point in limine. The matter was set down for hearing and the Commission once again argued the case on behalf of complainant. The matter has been postponed sine die for a written judgement. In the second case emanating from the same complaint the respondent instituted an action against the complainant claiming an amount of R17 000.00 from her allegedly for selling some of the assets belonging to the estate of her late husband. We believe that this action was malicious and that it was intended to harass the complainant when they lost the application for eviction. The Commission was defending the action and a date for trial was set for 04 March 2008. However, due to the death of the respondent in the matter (our complainant) during January 2008 the matter was removed from the roll. The respondent's attorneys also furnished us with a copy of the death certificate. The respondent's attorneys indicated to us that they would wait for the appointment of the late respondent's child to represent her in the proceedings by the Commissioner of Child Welfare, however, that process did not happen. In the third instance the respondent instituted another action against the complainant allegedly for withdrawing money from the account of her late husband. This action was again

		intended to make life intolerable for the complainant in that the complainant was entitled to deal with the administration of the estate of her late husband and was duly authorised by the Master of the High Court to do so. The Commission is again defending the action.
Dikgetse vs Richter (Northern Cape matter)	Equality Freedom of expression	This is a hate speech case investigated by the Commission. Judgment was finally handed down on the 15th of November and it was in favour of the complainant. What was of interest in this judgment was the moral lecture that the magistrate gave the respondent. The order was as follows: o Respondent to make an unconditional apology to the complainant. (This was done in open court). o Respondent to pay R4000 to complainant as compensation. The magistrate on this point stressed that he wants the respondent to pay R400 per month and the reason he gave was that the respondent should be reminded every time that she pays, that she must never again use the word “K” again.

Source: SAHRC Annual Report (2008)

South Africa has made positive progress in relation to women empowerment in that it established the Department of Women, Children and People with Disabilities to drive the government equity, equality and empowerment agenda through establishing a policy environment in which government mandates with regard to women, children and people with disabilities are driven. There is also the Office of the Status of Women which sits in the Office of the Premier in all provinces responsible for advancing the National Policy on women empowerment and gender equality, giving advice to the State President and Deputy President and all Ministers responsible for women empowerment. The office also works with Civil Society Organisations advancing women’s issues.

The Department of Rural Development and Land Reform including other government departments have also made progress in the appointment of Gender Focal Persons within provinces. This shows the seriousness of the South African Government in implementing gender equality legislation. The shortcoming is that only one gender focal person is appointed within the Department of Rural Development and Land Reform which is the key department with regard to land reform and these gender focal persons are at a Deputy Director level where they cannot influence decisions at

strategic level. This is because they are regarded as a 'nice to have' programme instead of being an integral part of the organisation and cannot access decision-making forums within the Department which sits at Director, Chief Director, Deputy Director General and Director General levels.

4.2.3 The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) No 4 of 2000

The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) prohibits unfair discrimination on the grounds of gender and sex both in the public and private spheres which includes relations, employment, land rights and social benefits. It calls for South Africa to develop plans and legislation that promotes equality. Both government and private sector are compelled to come-up with programmes and action plans that will show how gender equality plans will be implemented and measured (Cotula, 2002: 10; Mutangadura, 2004: 10;). It can then be argued that PEPUDA indeed summarises section 22 of CEDAW which obliges states to

“refrain from engaging in any act or practice of discrimination against women and ensure that public authorities and institutions act in conformity with the obligation and take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise”.

In terms of inheritance, PEPUDA prohibits norms and practices that unfairly discriminate against women in terms of inheriting property (sec 8(c)) this includes *“any traditional, customary and religious practice which impairs the dignity of women and undermines equality between women and men”*

PEPUDA also played a role with regard to inheritance, important advances were made by courts through judgements on cases such as the Bhe vs Shibi. The Constitutional Court declared the African Customary rule of male primogeniture which allows the oldest male descendent or relative to inherit in terms of a deceased black person, unconstitutional (Palmary, 2006: 30; Joireman, 2006: 12; Albertyn, 2009: 197; Ndulo, 2011: 103; Budlender & Alma, 2011: 21) Sec 8(e) deals specifically with access to land and admonishes the discrimination of women from accessing land, finance and other resources. The act indicates the discrimination as

“any policy or conduct that unfairly limits access of women to land rights, finance and other resources”. PEPUDA was instrumental in the establishment of Equality Courts which are responsible to deal with matters covered by PEPUDA. The Equality Courts are housed within Magistrate’s Courts in all provinces. The question is “Do women, especially rural women know about the existence of such courts?” It can be argued that most women do not know about Equality Courts and thus cannot access them in cases of violations of their rights.

It is the responsibility of government and civil society, especially organisations that deal with human rights to identify policies and conducts that intentionally and unintentionally discriminate against women. The Directorate: Women, Children and People with Disabilities within the Department of Rural Development and Land Reform always takes it upon itself to periodically review policies so they are gender sensitive. The review of policies is not only confined to land reform but to all programmes of the department. *Imbizos* are also periodically held with women and women’s’ structures to discuss challenges with regard to access to land and this are done across all provinces.

4.3 CONCLUSION

South Africa suffered from racial discrimination which saw black people being moved from their land by the apartheid regime. The era came up with legislation to oppress black people such as the infamous Land Act No 27 of 1913 which was aimed at setting aside land regarded as Native Reserves where black people were only restricted to eight percent (8%) of the land. The aim was to allocate more land to white people and the end result was poverty that drove black people to work on mines and white owned farms thus creating a pool of cheap labour for white farmers. On the 15th December 1995 South Africa ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Millennium Development Goals (MDGs) of 2000, the International Covenant on Civil and Political Rights (ICCPR) of 1998, International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1994, the African Charter on human and People’s rights of 1996 and the Beijing Platform for Action (BPA) in 1995 thus committing itself to advance gender equality. CEDAW then played a major role in the inclusion of the equality clause in the South African Constitution.

Six (6) independent institutions were established to monitor the implementation of the Bill of Rights in the constitution and two of those institutions are relevant to women's human rights and they are the Commission for Gender Equality (CGE) and the South African Human Rights Commission (SAHRC).

The chapter that follows will outline women and land ownership in South Africa within the Public Administration environment. Women's access to land will be argued in terms of legislation that governed marriage previously and currently. The chapter will also look at land reform programmes in relation to women and access to land.

CHAPTER 5: WOMEN AND LAND OWNERSHIP IN SOUTH AFRICA

5.1 INTRODUCTION

The allocation of land happens within the space and limit of public administration practice in a country. South Africa just like many other countries ratified laws that deals with the prevention of discrimination against women such as CEDAW and the Southern African Development Community (SADC) Gender and Development Protocol adopted in 2008. The Protocol requires governments to “*endeavour to ensure at least 50 percent of decision-making positions in public and private sectors are held by women including the use of affirmative action measures*” and member countries agreed that by the year 2015 they should report on progress made with regard to the appointment of women in decision-making positions.

The South African government has developed other legislation in order to mitigate discrimination against women such as the (i) Promotion of Equity and Prevention of Unfair Discrimination Act 4 of 2000 aimed at prohibiting unfair discrimination on the grounds of gender and sex both in public and private spheres which includes relations, employment, land rights and social benefits; (ii) Restitution of Land Rights Act 22 of 1994 aimed at providing for the restitution of rights in land to persons or communities dispossessed of such rights after 19 June 1913 as a result of past racially discriminatory laws or practices; to establish a Commission on Restitution of Land Rights and a Land Claims Court; and to provide for matters connected therewith (iii) Employment Equity Act, No 55 of 1998 which aim to achieve equity in the workplace by promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination and implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups such as women and people with disabilities; (iv) the Recognition of Customary Marriages Act 120 of 1998 which is aimed at correcting marriage laws that were discriminatory against women; (v) Basic Conditions of Employment Act aimed at advancing economic development and social justice by regulating the right to fair labour practices, establishing and enforcing basic conditions of employment, regulating the variation of basic conditions of employment and to give effect to obligations incurred by the Republic as a member state of the International Labour Organisation; (vi) Maintenance of Surviving Spouse Act 66 of 1995 aimed at

providing the surviving spouse with a claim for maintenance against the estate of the deceased spouse, and other equally important legislation.

5.2 THE SOUTH AFRICAN PUBLIC ADMINISTRATION ENVIRONMENT

The implementation of legislative framework is done within the public sector domain and thus involves public administration and management. Public Administration is defined as a process that involves organisations and human resources implementing requirements and regulations which are in a form of policies that are assigned and supervised by the legislation and the legal system (Coetzee, 1988; Zake, 2011). Public Administration is said to be a combination of theory and practice designed to promote superior understanding of government and its relationship with the society it governs. It is about the encouragement of the development of and engagement on public policy. Public Administration and Public Management terms are sometimes used interchangeably whereas they are not the same.

Public management refers to the performance of tasks related to policy implementation in publicly supported programmes. It thus involves basic management skills such as planning, leading, organising and controlling (Jones, Thompson and Zumeta, 1988). The difference between the two systems is that Public Management involves dealing with the entire government and hence has political undertone because it deals with policies that are responsive to the needs of society whilst the latter is performed within organisations and has little or no political connotation like Public Administration.

Consequently public administration is therefore sustained by power because it involves the administrative decisions that are meant to serve the public. As a result, public administration is powerful because of its power relations that distribute resources based on gender and hence the public domain is viewed as masculine (Stivers, 2002: 3; DeHart-Davies, Marlowe and Pandey, 2006; Bearfield, 2009). The possession of power in public administration can fitly be argued that it can be misused to advantage one sector of society who are viewed as masculine and thus powerful and disadvantage those that are viewed as weak due to the roles that are assigned to them which in this instance is women. It thus becomes important that Public Administration not be viewed as genderless.

Suitably the application of intersectionality as a feminism theory becomes crucial and relevant in this regard. Intersectionality refers to:

“the interaction between gender, race and other categories of difference in individual lives, social practices, institutional arrangements and cultural ideologies and the outcomes of these interactions in terms of power”.

The subjugation of women according to intersectionality should be viewed by using gender lenses which should take into consideration issues such as gender, race, class, disability, sexuality, age, ethnicity and educational level (Davis, 2008; Bearfield, 2009; Borrego & Johnson, 2013). Women are not a homogeneous group and thus the impact of the legislation and custom may not necessarily be the same for every woman. The argument according to intersectionality when applied to public administration is that despite having made great strides in the public domain, inequality and discrimination is still prevalent. This happens despite the availability of legislation such as the Constitution of the Republic of South Africa, 1996 and chapter nine institutions such as the South African Human Rights Commission and the Commission for Gender Equality.

The under representation of women in decision-making positions in the public and private sphere is one indication of how power and the distribution of resources can impact on them. The under representation of women in decision-making positions has an impact on influencing policy so that policies are gender sensitive. The allocation of land and other economic resources for instance will continue to be skewed along gender lines as indicated on Table 4 on the allocation of land to women by the Department of Rural Development and Land Reform on page 89. A body of literature indicates that the work environment is mainly dominated by men (Department of Labour, 2012-2013; Bosch, 2011; Orr & van Meelis, 2014: 31; Sebola, 2015). For public administration to be equitable to everyone there is a need for infrastructure such as financial, human and policies to implement it (Stivers, 2002: 4; DeHart-Davis, Marlowe & Pandey, 2006; Borrego & Johnson, 2013; UNDP, 2014: 18). The policy environment does assist women in accessing resources, however, the burden of household chores still hold women back hence the under representation of women in decision-making positions. The poor monitoring and lack of punitive measures against transgressions on implementation of legislation by

government is an area that needs to be beefed up is South Africa in order to make progress in addressing women's human rights.

As a measure to meet the 50 percent target, South Africa developed the Head of Department's 8-principle action plan for promoting women's empowerment and gender equality within the Public Service in which heads of departments are encouraged to include in their departmental action plans towards achieving women's empowerment and gender equality within the Public Service through the Department of Public Service Administration (DPSA). The principles are listed as (i) Transformation for non-sexism by promoting and protecting human dignity and human rights of women, including the rights of women with disabilities; (ii) Establishing a policy environment by the full implementation of national policies and implementation guidelines on women's empowerment and gender equality through the development of departmental and sector-specific guidelines and standard operating procedures; (iii) Meeting equity targets by ensuring women's full participation in decision-making through the employment of 50% women at all levels of the Senior Management; (iv) Creating an enabling environment by putting in place departmental and sector gender management systems, adequate institutional mechanisms and dedicated gender units; (v) Gender mainstreaming by incorporating gender perspectives into all work of the Department; (vi) Empowerment through the capacity development for women's advancement and gender equality; (vii) Providing adequate resources by availing human, physical and financial resources for advancing gender equality; and (viii) Accountability, Monitoring and Evaluation by ensuring full responsibility, ownership for and reporting on advancing gender equality within the Public Service. The Department of Public Service Commission (DPSA) further developed reporting template that government and private sector utilises to report every year on the 8-principle action plan. It is only Heads of Departments that report on progress during the Women Senior Management week held every August and reports submitted to DPSA in September. This however seems not to be strictly monitored as it is done on ad-hoc basis by Heads of Departments because there are no punitive measures for non-compliance. The fact that Senior Managers do not have to report on gender mainstreaming and sex desegregated data is one example of how lax the law is in terms of reporting.

Table 7: The Employment of women in decision-making positions in 2011.

WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION		
	Overall (percentage)	Decision-making levels (percentage)
AFRICA		
Benin	19 (2011)	22 (2012)
Botswana	52 (2012)	45 (2009)
Burundi	-	12 (2010)
Cameroon	25 (2010)	N/A
The Gambia	25 (2007)	20 (2007)
Mali	28 (2009)	15 (2009)
Nigeria	24 (2006)	22 (2006)
South Africa	56 (2011)	35 (2011)
Uganda	33 (2011)	22 (2011)
ARAB STATES		
Jordan	46 (2010)	10 (2010)
Morocco	34 (2009)	15 (2009)
Oman	34 (2007)	8 (2007)
Somalia: Somaliland Puntland	30 (2006) 23 (2011)	0 (2012) 6 (2011)
Tunisia	41 (2011)	27 (2011)
ASIA PACIFIC		
Afghanistan	20 (2009-10)	10 (2004-10)
Bangladesh	21 (2008-9)	14 (2010)
Cambodia	34 (2011)	18 (2011)
India	12 (2006)	10 (2009)
Indonesia	47 (2011)	8 (2011)
Nepal	15 (undated)	5 (2007)
Timor-Leste	28 (2010)	16 (2010)
Vanuatu	40 (2011)	18 (2003)
LATIN AMERICA AND THE CARIBBEAN		
Chile	41 (2007-2009)	29 (2009)
Colombia	49 (2011)	40 (2011)
Costa Rica	42 (2012)	46 (2009)
Mexico	50 (2010)	29 (2011)
EUROPE AND THE COMMONWEALTH OF INDEPENDENT STATES		
Albania	46 (2011)	24 (2011)
Azerbaijan	28 (2011)	23 (2011)
Croatia	45 (2011)	30 (2009)
Kazakhstan	58 (2009)	9 (2009)
Kosovo*14	36 (2011)	17 (2011)
Kyrgyzstan	42 (2010)	27 (2010)
Romania	64 (2011)	12 (2011)
Ukraine	75 (2008)	13 (2010)
Notes: • Percentages have been rounded.		

Source: UNDP Global Report on Gender Equality in Public Administration (2014)

In comparison to global countries, South Africa was ranking no 4 with regard to the employment of women in decision-making positions in terms of table 9 above.

Costa Rica was in the lead at forty-six percent (46%) in 2009 followed by Botswana at forty-five percent (45%) also in 2009, Colombia at forty percent (40%) in 2011 and South Africa at thirty-five percent (35%) in 2011. The percentage has since moved to thirty-eight percent (38%) in 2012 according to the Department of Women, Children and People with Disabilities. The Department of Public Service and Administration presented a memorandum to Cabinet on 27 November 2012 indicating that the gender target at SMS level was not achieved. Cabinet then agreed to retain and extend the target date from 2015 to 2016 in order to achieve the fifty percent (50%) target for women at SMS level. The current gender representation at SMS level within the Department of Rural Development and Land Reform is fifty-nine percent (59%) men and forty-one percent (41%) women. The Department aim to achieve the target by March 2016 (Department of Rural Development and Land Reform, 2015).

5.3 WOMEN, MARRIAGE AND ACCESS TO LAND BEFORE 1994

The previous and present laws that governed marriage and women's access to land before the South African democratic elections in 1994 and legislation that was put in place after the 1994 democratic elections is discussed hereunder. These laws have an effect on the current status of women in terms of land ownership.

5.3.1 Previous laws governing property

There were several laws during the apartheid era that governed customary marriages and those were the Natal Code of Native Law, the Black Administration Act of 1927, the KwaZulu Act on the Code of Zulu Law of 1981 and the recent Recognition of Customary Marriages Act No 120 of 1998.

5.3.1.1 The Natal Code of Native Law No 19 of 1891

The Natal Code of Law regarded men as heads of households even though these were referred to as "kraals" instead of households. As a "kraal head", a man was the absolute owner of property belonging to the "kraal" including children and wives. This notion relegated women to the status of minors under the guardianship of the husbands (Mamashela & Xaba, 2003; LRG, 2012: 1). This posits that women would not have access to land as they are deemed to be minors. South African women's access to land, just like most women around the world is precarious because in

some instances, they can only access land through male kinship such as brothers, husbands and uncles. In some instances (Budlender, 2013: 32; Cousins, 2013) widows will only have temporary access through their sons. In this instance, if the eldest son is still young, the mother will have access on behalf of her son until the son grows up and takes ownership. The law is no longer applicable and has been replaced by the Recognition of Customary Marriages Act No 120 of 1998.

5.3.1.2 The Black Administration Act No 38 of 1927

After South Africa became a union in 1910, a new system was proposed in order to manage all affairs with regard to black people. Customary marriages were still not recognised as real marriages because they were not afforded the same legal status as western marriages. Should a husband decide to marry another wife in a civil union, the customary marriage was thus nullified. A husband could get married to a second wife in a civil marriage and the first wife and her children would be left destitute. Under the Black Administration Act a woman was still regarded as a minor and could not inherit property or enter into any legal contract without the consent of the husband (Mamashela & Xaba, 2003; Herbst & Du Plessis, 2008, Button, 2014: 3; The Republic of South Africa, 2014: 73). Due to the migratory labour system, most men entered into civil marriages with women they met in where they were working, especially in the mines and thus jilted the ones they married customarily. The introduction of the South African Constitution however deemed the provisions of the act unconstitutional hence it was repealed and that improved the position of women in customary marriages. It is now called the Recognition of Customary Marriages Act No 120 of 1998.

5.3.1.3 The KwaZulu Act on the Code of Zulu Law No 6 of 1981

The act only applied to customary marriages in then homeland of the then KwaZulu. Zulu women were accorded a better legal status as compared to other women in other provinces, because their rights to property, inheritance and succession were enhanced because they could acquire property and land which escalated them to equal status with men (Mamashela & Xaba, 2003). Despite the provisions made by the act with regard to access to land, inheritance and succession, the man was still regarded as the family head because Natal Code provides that the inmates of the

family home irrespective of sex or age, shall in respect of all family matters be under the control and owe obedience to the family head.

According to section 20 of the KwaZulu Code of Zulu Law;

'The family head is the owner of all family property in his home, he has charge, custody and control of the property attaching to the houses of his several wives and may in his discretion use the same for his personal wants and necessities, or for the general family purposes or for the entertainment of visitors. He may use, exchange, loan or otherwise alienate or deal with such property for the benefit of or in the interests of the house to which it attaches, but should he use the property attaching to one of the houses for the benefit or on behalf of any other house in the family home, an obligation rests upon such other house to return the same or its equivalent in value'

This then posits that KwaZulu women were not really better off than other women in South Africa and the world because men were still regarded as heads of households. Customary law in most instances even though it had good intentions, it was discriminatory as it was and is still open for manipulation especially in instances where it benefits men. The notion of men given preference in terms of access to land and other economic resources was meant for men to protect the interests of women and children. As culture is evolving and land is now having an economic value, customary laws are becoming irrelevant as they contravene treaties on women empowerment signed by South Africa and other countries.

5.3.2 Contemporary law governing property ownership in South Africa.

Customary marriages were discriminating against black women and after the African National Congress came into power in 1994, vigorous consultations around the country were held to create new legislation that will protect women married under customary law, hence the Recognition of Customary Marriages Act 120 of 1998.

5.3.2.1 The Recognition of Customary Marriages Act No 120 of 1998

The Recognition of Customary Marriages Act came into force in November 2000 in order to correct marriages laws which were discriminatory against women. The Act replaces the provisions of the Natal Code of Native Law and the Black Administration

Acts which accorded women the position of minors in marriage putting them under the guardianship of their husbands. This act recognises marriages that took place before its existence and motivates that they be registered with the Department of Home Affairs. The Recognition of Customary Marriages Act also recognises polygamous marriages entered into before and after the commencement of the act. The act gives both husband and wife equal status within the marriage, which means that depending on whether an antenuptial contract has been signed, a woman can enter into any contract and litigate. On divorce a woman is entitled to half the estate and inherit property upon the death of the husband (Mamashela & Xaba, 2003; Mutangadura, 2004: 10; Mbatha, 2005: 44; Herbst & Du Plessis, 2008, LRG, 2012: 1; Button, 2014: 5). The act now pushes the position of women who are married under customary law which was not regarded as marriage since it did not have the same weight as a civil marriage, to an equal status to women who are married in a civil marriage.

With regard to inheritance, despite the protection and recognition of culture by the South African constitution, it also emphasises that there shouldn't be any discrimination and oppression based on gender in the name of culture as the constitution is the most supreme law of the country. This is evident in the case of *Bhe and others v Magistrate, Khayelitsha* and others and the *Shibi v Sithole and other* with regard to women and inheritance laws. In both cases the court ruled that male preference in customary inheritance was unfair gender discrimination. The court indicated that the practice was patriarchal and enforced the subordination of women to men, denied them access to resources and promoted the economic dependence of women on men. It ruled that women had a full right to inherit property just like men (Palmary, 2006: 30; Joireman, 2006: 12; Albertyn, 2009: 197; Ndulo, 2011: 103; Budlender & Alma, 2011: 21). According to the act, "*a wife has on the basis of equality with her husband and subject to the matrimonial property system governing marriage, full status and capacity, including capacity to acquire assets and to dispose of them, to enter into contracts and to litigate, in addition to any rights and powers that she might have at customary law*" (Mann, 2000: 16; Cotula, 2002: 46; Mamashela & Xaba, 2003; Mbatha, 2005: 42-44). Previously women did not have the capacity to acquire assets, whichever assets existed were deemed to belong to the husband.

The only shortcoming about the act is that women need to register the marriages even though not registering the marriage has no impact on the validity of the marriage. This has a negative impact on inheritance since women would not know that they have a right to inheritance and the equal division of property on dissolution of the marriage. Despite the provision of this act, women are still discriminated against in terms of inheritance (Knox, Duvvury & Milici, 2007: 10; CSV, POWA & WCNOVAW, 2011: 51). From workshops held in the Nkomazi area in 2013 by the Department of Rural Development and Land Reform together with the Commission for Gender Equality, most women, men included did not know about the existence of the *Recognition of Customary Marriages Act No 120 of 1998* although the act was promulgated in 1998 (Department of Rural Development and Land Reform, 2013). It was evident from the discussion held with community members that there was a need for country-wide awareness in order to empower everyone. The existence of a law does not serve any purpose if it does not protect the people it is meant to protect. Chances are higher for the violation of rights in instances where people are not aware of their rights, and this is the case when it comes to women.

5.4 WOMEN AND THE LAND REFORM PROGRAMME IN SOUTH AFRICA

Post 1994, the African National Congress as the ruling party had the mammoth task of coming up with a land reform programme to address land disparities amongst black and white people in South Africa. Three motivations led to the development of the land reform programme which was to foster reconciliation and stability, promote economic growth and the reduction of poverty especially at household level. The country's land reform programme was thus market-based as it was based on upholding and protecting private property ownership and at the same time expropriating land when necessary through the payment of market-related prices (Sebola & Tsheola, 2014; Walker, 1998: 1,7). The White Paper on South African land Policy of 1997 emphasises gender equality as it recognises the right of women to access land, right to inheritance and equality rights in marriage, and also advocates for the removal of barriers in attaining the mentioned rights. The White Paper identified seven (7) areas that land reform should address, i.e; injustices of racially based legislation; inequitable distribution of land; security of tenure; sustainable use of land; rapid release of land for development; recording and registering of all rights in property; and administration of public land in an effective

manner in relation to the three legs of land reform, i.e, restitution, redistribution and tenure reform (Walker, 2002a: 39-41; UNECA, 2007: 23). The three legs of land reform will be discussed in relation to women, land and gender equality.

The awareness of the existence of legislation at grass root level is still a challenge especially in rural areas where land is governed by traditional leaders who happen to be men and thus prone to be patriarchal in nature (HSRC, 2008: 23; Cousins, 2009: 63; Obeng-Odoom, 2012). What makes it more difficult for women to access land rights is the low literacy levels amongst women that are not only detrimental to them accessing resources, but also in terms of fighting for the enforcement of their rights. The better educated women are, the higher their chances of accessing resources like courts, land and property and agricultural extension services (Razavi, 2007; HSRC, 2008: 30; Budlender & Alma, 2011: 25; CSV, POWA & WCNOVAW, 2014: 52). This then means that laws only benefit a selected few, such as educated women than those with low literacy levels. A democratic country is supposed to serve the interest of everyone and not only a selected few. It thus becomes imperative that programmes meant to benefit women be evaluated for their impact on them.

5.4.1 Restitution

Restitution is aimed at addressing people who were dispossessed of their land by the 1913 land act cut-off date. It intends returning land or give compensation to those dispossessed due to racially biased laws (Walker, 2002a: 41; Rugege, 2004: 28; Weideman, 2004; Ik Dahl, Hellum, Kaarhus, Benjaminsen & Kameri-Mbote, 2005: 63; Meer, 2013: 11; Sebola & Tsheola, 2014). Since men were regarded as head of households by apartheid laws like the Black Administration Act No 38 of 1927, they were the ones who had access to land than women who were regarded as minors, so it can be deduced that the restitution programme is bound to benefit more men than women. Restitution is governed by the Restitution of Land Rights Act 22 of 1994 which provides guidance and mechanisms in dealing with land claims. Land claims are dealt with through the Commission of Land Rights and the Land Claims Court (Irogbe, 2003: 13; Palmary, 2006: 24; Pepeteka, 2013: 3). It would be fair to assume that since most rural women have low literacy levels and stay far away from resources, hence they have to travel long distances to access them, it would then be a mammoth task for them to access institutions that deal with land rights should their

land rights be denied or violated. The existence of such structures is meaningless to rural women if efforts are not made to specifically target rural women.

5.4.2 Redistribution

The aim of the redistribution programme is to make provision for the poor in order to enable them to access land for agriculture and for residential purposes. It is based on state assistance for those who qualify. There are various grants that were utilised like the Settlement Land Acquisition Grant (SLAG) which was R16000.00 given to households who wanted to purchase land from willing sellers and the second grant that was introduced after (SLAG) was the Land Redistribution for Agricultural Development Programme (LRAD). The requirement was that those who wanted to buy land were required to contribute something to the purchase price which ranged from R5000.00, whether in cash, in kind or labour to R405000.00. Instead of per household as SLAG required, LRAD was per person and mostly household heads (Walker, 2002: 45; Irogbe, 2003: 14; Ik Dahl, Hellum, Kaarhus, Benjaminsen & Kameri-Mbote, 2005: 61; Kahn, 2007: 9; Meer, 2013:10). Land redistribution programme allowed both men and women to buy land, however, since most women do not have financial wealth or access to credit, the programme rather benefitted men (Cotula, 2002: 49; Ik Dahl, Hellum, Kaarhus, Benjaminsen & Kameri-Mbote, 2005: 62). It is important to note that there has been extensive changes regarding this programme of land reform. However, it is also difficult to gauge access to land by South African women because of the sporadic collection sex-desegregated data on land ownership (Walker, 2009; CSV, POWA & WCNOVAW, 2011: 51). The collection of sex desegregated data is important as it assists the country report on progress regarding access to land and property by women. As South Africa signed treaties pertaining to the promotion of gender equity and the empowerment of women such as the CEDAW, it is compelled to report on progress made.

5.4.3 Tenure reform

The aim of tenure reform is to address communal land in former homelands like KaNgwane, KwaZulu, Gazankulu, Lebowa, KwaNdebele, QwaQwa, Transkei, Bophuthatswana, Venda and Ciskei. It also secures the tenure of farm dwellers living on white owned farms who have access to residential land and labour tenants who also have access to grazing land for their livestock or arable land in return for

offering unpaid labour to the owner. It is based on two acts which are the *Communal Land Rights Act of 2004* and the *Extension of Security Act of 1997*.

5.4.3.1 The Communal Land Rights Act No 11 of 2004

The *Communal Land Rights Act No 11 Of 2004* is aimed at providing secure tenure of communal land to communities or individuals. It reaffirms the administration of communal land by traditional leaders or chiefs and the establishment of Land Administrative Committees of which a third is supposed to be women. What is interesting to note is that the women need not be elected but can be chosen by a senior leader whereas the men need to be elected (Claassens, 2005; Ikdaahl, Hellum, Kaarhus, Benjaminsen & Kameri-Mbote, 2005, 59; Kahn, 2007: 17; Cousins, 2009: 63; Cousins & Hall, 2011; CSVR, POWA & WCNOVAW, 2011: 52). This notion is discriminatory because as patriarchal customs dictate that women not to participate in traditional gatherings, women's inputs and grievances will not be dealt with in a fair manner or listened to. The fact that the women could be chosen meant that the women would select women as tokens to, that is, women who will keep quiet and let men make decisions instead of allowing empowered women to form part of the committees. Since only men sit at such structures, anything contrary to traditional beliefs like for instance, access to land will not be tolerated. This is one factor that contributes to the despondency of women regarding raising issues like eviction from land or inability to access land.

The Communal Land Rights Act No 11 of 2004 was fortunately deemed unconstitutional because it was said to be ineffective in the protection of labour tenants and women (Cotula, 2002: 49; Rugege, 2004: 13-16; Weideman, 2004; Claassens, 2005; Ikdaahl, Hellum, Kaarhus, Benjaminsen & Kameri-Mbote, 2005: 62; Meer, 2013: 12; Pheko, 2014: 5). This was applauded by organisations that deal with women's issues with regard to access to land and other economic resources as they were against the act in the first place. They felt that it did not protect the interest of women. It is however important to note the progress made by South Africa, albeit slow, on land reform legislation which puts emphasis on women's access to land through the application of gender equality (HSRC, 2008: 2; Obeng-Odoom, 2012). This gives hope to women in terms of accessing, controlling and owning land, especially to women who know how to claim their rights. There has

been considerable progress since 1994 in terms of access to land by women (Claasens & Mnisi, 2009; Commission for Gender Equality, 2010: 10; Budlender, 2013: 47). The existence of legislation does not mean implementation because there is a need for political will to guarantee women's human rights (Kameri-Mbote, 2005a: 5; CSV, POWA & WCNOVAW, 2011: 19; Williams, 2014). The act requires that women be represented in traditional councils and they should form a third of the committees and unlike men who are elected into these committees, they can be chosen by a senior member of the committee (Claassens, 2005). This in itself is discriminatory because firstly, women should only form a third of the committees. Why can't they form half of the committees like men if they are to benefit on an equal footing with men? Secondly they can be chosen and not elected; this then confirms their second class citizenship because it means that they are not important as men. A recent gathering called by the Department of Rural Development and Land Reform (2014) at Hlalu-Hlalu Tribal Authority to address women on land issues during the International Women's Day, showed that although women are in existence in these Tribal Authorities they do not equal men in numbers. The women were few (three women and twelve men) and whilst the men were vocal about their views on women and access to land, the women never said a word. From this it can be deduced that the women were selected because they "know their place" as women, that is to say they rarely speak on issues that are regarded as "male issues".

5.4.3.2 The Extension of Security of Tenure Act No 62 of 1997

Unlike Communal Land Rights Act No 11 Of 2004 which focused on communal land tenure, the Extension of Security Act's main focus is tenure of security for farm workers and labour tenants. The act governs occupier-landlord relationships with regard to the prevention of arbitrary evictions by ensuring the protection of farm labourers. The role of the state is to provide alternative accommodation for labour tenants in cases of evictions (Kahn, 2007:18; Cousins & Hall, 2011; Pepeteka, 2013: 10). Women face difficulty because their tenure of security depends on their relationships with men. Should a farm owner dismiss the husband, the wife and children are also evicted despite the existence of the act. According to the act, a farm dweller has right to stay on the farm even if the relationship between the farm owner and worker has soured but unfortunately there are unlawful evictions despite

the existence of the act and such evictions normally happen in the middle of the night leaving farm dwellers vulnerable.

5.5 CONCLUSION

Arguably, South Africa has made great strides in terms of legislation that promote gender equality. The signing of international and regional treaties paved a way for the inclusion of gender equality in the Constitution under the Bill of Rights and the property clause. There is evidence with regard to progress made in terms of the development of legislation and the formation of institutions that monitor compliance to developed legislation. There is however a lot that still need to be done in creating awareness about the availability of the legislation to those it is intended for. To buttress this assertion, it has been mentioned that most women do not even know about the existence of laws with regard to access to land (Mutangadura, 2004:8; Budlender & Alma, 2011:25). There are many aspects that hinder women with regard to access to decision-making such as gender-insensitive policies, lack of resources, and prevailing gender stereotypes based on customs and traditions are among the factors that impede progress for equal representation by women and men (Eagly & Karau, 2002; Stivers, 2002: 3; Crespi, 2003: 2; DeHart-Davis, Marlowe & Pandey, 2006; Wallace, 2007). However, there have been positive developments over the past few years, not only in terms of the number of women in decision-making positions, but in changing perceptions about the ability of women to administer all positions of leadership at political and other decision-making levels.

The collection of sex desegregated data to measure progress made by the country when coming to access to land is crucial but is disappointingly lacking. This is the case even with the Mpumalanga Department of Rural Development and Land Reform, even though there is a dedicated gender focal person, the collection of sex desegregated data is still a huge problem, despite the awareness that have been created regarding gender mainstreaming amongst officials, the programme is still viewed as not part of officials' everyday work but the job of the gender focal person. Patriarchal attitudes are still evident in project officers who are biased in that they are reluctant to put much effort when dealing with women-led projects than when dealing with men-led projects.

Apartheid laws had a negative impact on all non-white South Africans, it was however the women who suffered most because they were also affected by the existence of customary laws which were based on patriarchy. So whilst men suffered from one part of legislation, women were affected by both. Despite the existence of a constitution which is regarded as most progressive by the outside world, there is still much to be done on the ground to implement developed legislation and change patriarchal attitudes which are meant to oppress women.

In the chapter that follow, the study will focus on the research design that was applied in the study.

CHAPTER 6: RESEARCH DESIGN AND METHODOLOGY

6.1 INTRODUCTION

The chapter provides information regarding research design and methodology employed in collecting data in this study. The purpose of the chapter is to give detailed reasons regarding the utilisation of the methodology and design chosen for the study against the choice of others. The chapter is based on data collected from three districts within Mpumalanga Province, which are Ehlanzeni, Gert Sibande and Nkangala. Information on selected research designs, population, sample selection methods and size, data collection and analysis methods and ethical considerations.

6.2 RESEARCH DESIGN

A research design is a plan used to identify and obtain respondents in order to collect data. In this study a qualitative research design was applied since the study was aimed at exploring and giving an in-depth analysis of the relationship between access to land and poverty amongst rural women in the Mpumalanga Province. The rationale for utilising a qualitative research design was because of the rich narratives, experiences and ideas that were shared by respondents which were due to qualitative data collection methods. Qualitative designs give a good perspective of those who experience phenomena as opposed to the view point of the one administering the tool (Fox & Bayat, 2007: 7) for data collection. A case study was utilised as it relates to the intensive study of phenomena which in this case was access to land as an economic empowerment tool by Mpumalanga rural women. Case studies are not only confined to studying humans but can also be used to study documents like diaries, documents and reports. Information was gathered through a structured interview schedule and also from records from the Department of Rural Development and Land Reform, NGOs dealing with land issues, research done on land issues and other documents were studied to beef up literature on the topic under study. This chapter presents the research design and methodologies for data collection in the study.

6.3 RESEARCH METHODOLOGY

6.3.1 Population

A total set from which units or individuals under study are chosen is called a population (De Vos, Strydom, Fouche & Delpont, 2005: 193; Welman, Kruger & Mitchell, 2005: 53; Seltman, 2015:34). The population for the study was rural women who have access to land within the Department of Rural Development and Land Reform in the Gert Sibande, Ehlanzeni and Nkangala Districts within the Mpumalanga Province, project officers within the Department of Rural Development and Land Reform, members of the communities in the three mentioned districts. The sampling frame was drawn from officials who work with land issues within the Department of Rural Development and Land Reform, women who have access to land or projects run by the Department and members of the communities from the three mentioned districts.

6.3.2 Sample selection method and size

A sample according to De Vos *et al* (2005:194), Bhattacharjee (2012:65) and Seltman (2015:34) comprises of elements of the population considered for actual inclusion in the study. Samples are drawn because researchers want to understand the population from which they are drawn and to explain facets of the population. A non-probability sampling process will be employed in the study in the form of purposive sampling. This sampling process is chosen because it is less complicated and more economical in terms of time and financial costs (Welman, Kruger & Mitchell, 2005: 68). A purposive sampling method was utilized in the study to draw female respondents who have access to land, male project officers who deal with land issues within the Department of Rural Development and Land Reform and members of the communities from the three mentioned districts. A purposive sampling method refers to a sample in which the researcher deliberately obtain units of analysis in such a manner that the sample obtained may be regarded as being representative of the relevant population (De Vos *et al*, 2005:69). It was chosen because it is less complicated and more economical in terms of time and expenses as there was no funding for the project.

A sample size of two hundred and six (206) respondents was used in the study. Forty-seven (47) women who have access to land through the land reform

programme, thirty-six (36) project officers responsible for land issues and one hundred and twenty-three (123) members of communities from Gert Sibande, Ehlanzeni and Nkangala districts were included in the study. The reason for drawing a sample size of forty-seven (47) women who have access to land within the Department of Rural Development and Land Reform was because of unavailability of reliable statistics of women who have access to land. From perused documents of the Department of Rural Development and Land Reform the number varied from eighty (80) to a hundred (100) hence the sample size was deemed to be representative of all women who have accessed land within the Department.

There is a total of one hundred (100) project officers employed by the Department of Rural Development and Land Reform, both at Land Claims Commission and Provincial Shared Service Centre hence the sample size of thirty-six (36) which is more than 10% of the population of project officers. It was not possible to draw a sample size of 10% from the population of Mpumalanga with regard to members of communities in the three districts due to time and financial constraints hence the sample size of one hundred and twenty-three (123) which is deemed to be representative of the population of Mpumalanga. Two focus groups with a combined total of twenty-six (26) members were conducted in Ehlanzeni and Nkangala Districts.

The sample was disaggregated equally in all districts to address the views of all members of the communities, women who have access to land and project officers in the employ of the Department of Rural Development and Land Reform.

6.4 DATA COLLECTION METHODS

Data was collected by utilising semi-structured interview schedules, focus group discussions and perusal of documents and literature on land matters, gender equity, culture and public administration.

6.4.1 Semi-structured interviews

Data was collected from women who have access to land within the Department of Rural Development and Land Reform in the study area, male project officers responsible for allocation of land, focus groups and members of the communities from three districts, through semi-structured interview questionnaires. This method

of data collection is characterised by having a set of predetermined questions on an interview guide, in which the order of questions may be varied. Some questions may not be asked depending on the organisational context. Additional questions may be added to get more clarity and the nature of questions may be altered to suit the educational level and background of respondents (De Vos *et al*, 2005: 296). The rationale for utilising a semi-structured interview schedule for the study was that it enabled the researcher to get opinions, explore experiences and observe body language of targeted respondents.

Three semi-structured interview schedules captured information on (i) the extent and nature of land ownership by rural women, (ii) knowledge that women have with regard to their land rights, (iii) the extent of the impact of access to land on the economic status of rural women, (iv) the challenges faced by women in accessing land in South Africa (iv) the attitude of society towards women's land rights and, (v) the effectiveness of the role of project officers in land administration with regard to women's land ownership was developed and used to collect data from project officers, women who have access to land within the Department of Rural Development and Land Reform and members of the community.

6.4.2 Focus group discussions

Focus groups are group interviews involving participants who share the same characteristics relating to the research topic. They are used to encourage participants to share opinions, experiences and perceptions. Focus groups are used to collect data that cannot be collected by means of individual interviews, like opinions and how members of a focus group relate to one another's opinions and arguments (De Vos *et al*, 2005:299). It is however important to make sure that participants are knowledgeable about the subject to be discussed (Welman, Kruger & Mitchell, 2005: 201).

Two focus groups in the Ehlanzeni (Nkomazi Municipality) and Nkangala (Emalahleni Municipality) Districts were facilitated. The Ehlanzeni focus group had an equal number of male (7) and female (7) participants which was accidental. The Nkangala one had more men (7) than women (5). The same interview schedule used to collect information from the public on attitudes towards women's land rights was utilised to promote a healthy debate amongst group members.

6.4.3 Documentation

Land is a political and highly contested issue all over the world especially in South Africa because of the colonisation and apartheid era, so there is a lot of literature written on the subject. Data was collected from reports and documents from the Department of Rural Development and Land Reform, organisations that deal with land rights like Food and Agricultural Organisation (FAO), International Land Coalition (ILC) United Nations Human Rights, Poverty, Land and Agrarian Studies (PLAAS), Women's organisations and formations etc. Information about what has been researched and documented on women's land rights especially barriers to accessing land and progress made in terms of addressing imbalances of the past was collected from documents. According to Welman & Kruger (2001: 145), documents have an advantage because it is not costly to acquire them. They are a good source of information and information on human reaction to events, experiences and opinions can also be obtained.

6.5 DATA ANALYSIS METHODS

Data analysis methods as captured by Dawson (2009: 114) were utilised:

The researcher used interview and focus group summary forms to summarise each and every interview and focus group discussion. The summary was used to capture field notes, emerging themes as well as opinions, attitudes and perceptions. It is from these that decisions were made to explain some questions and also change the way they were asked which enabled the researcher to obtain the relevant information.

A comparative analysis was done to compare and contrast data obtained from different respondents and in identifying emerging issues, a content analysis ascribed where codes were assigned to specific characteristics in a text and a conversation analysis used to look at patterns of speech and how participants responded to one another's opinions and arguments.

6.6 Validity and Reliability

Validity and reliability refers to the degree in which an instrument is able to measure what it is intended to measure and the consistency in with which an instrument

measures the attribute is designed to measure (Polit & Hungler, 1993: 445; Bhattacharjee, 2012: 58; Pandey & Pandey, 2015: 21). Reliability in the study was done through a small sample to check if the interview schedule yielded the required information before the actual research was done. Questions on the questionnaire were based on information gathered during literature review to ensure that they represented what was read about access to land. The questions were formulated in a simple language and explanations were done where respondents struggled to understand what was needed. Respondents who couldn't write were assisted to fill in the questionnaire. Respondents who were too busy to respond due to work or other issues were given the opportunity to indicate times when they were free.

Triangulation of the methods used to gather data was the sources of data which came from the different focus groups, members of the community, project officers and women who have access to land, in various formats to illuminate both individual and group experiences and views on norms and attitudes within communities.

6.7 ETHICAL CONSIDERATIONS

Whilst conducting the study, the researcher adhered strictly to all ethical issues to inform and protect respondents.

6.7.1 Voluntary participation

Respondents were not tricked into participating involuntarily in the study but were made aware that they were participating in a study. Consent was sought from those who were willing to take part in the study. The purpose of the study was clearly explained to respondents and therefore voluntary participation was ensured.

6.7.2 Privacy/confidentiality/anonymity

The right of respondents to privacy, confidentiality and anonymity was respected. The use of respondent's names, video cameras, tape recorders, one-way mirrors and micro-phones was not used in the study.

6.7.3 Protection from harm

Precautionary measures were taken to protect respondents from any psychological harm. This was done by asking respondents to stop the interview at any stage

should they feel uncomfortable. Land is a very thorny issue and people may be victimised for speaking-up about their feelings and what is happening around them, hence the importance of taking precautionary measures to protect them from any harm.

6.7.4 Referral protocol

There were a few issues that were raised by women who have access to land and those were addressed through the office of the Chief Director. Permission was first sought from them and since the researcher is responsible for women, children and people with disabilities within the Department of Rural Development and Land Reform, the researcher was able to assist the women with their queries by linking them with project officers and also writing memos to the Chief Director requesting intervention.

6.8 CONCLUSION

The chapter outlined the research design and methods that were utilised in this study. Clarification was made on research design and methods used to collect data in the three districts within Mpumalanga Province. The chapter that follow will focus on the presentation of research findings.

CHAPTER 7: RESEARCH FINDINGS, DATA ANALYSIS AND INTERPRETATION

7.1 INTRODUCTION

This chapter provides an analysis of research findings of the study which is presented in a form of four sections. Data was collected from thirty–six (36) project officers, forty-seven (47) women who have access to land within the Department of Rural Development and Land Reform, one hundred and twenty-three (123) members of the community and three (3) focus groups. The first section analyses data gathered from project officers with emphasis on the project officer's role with regard to women and access to land and the challenges faced by project officers in supporting women land owners. The second section present and analyses data gathered from women who have access to land within the Department of Rural Development and Land Reform focusing on the nature and extent of land ownership, women's knowledge about legislative frameworks governing land ownership, the impact of access to land on the economic status of women and challenges faced by women in accessing land in South Africa. The third section will focus on data gathered from members of the public with the aim of determining attitudes towards women's land rights. The last section presents and analyses data gathered from focus groups which will add to information in terms of giving a picture of societal attitudes towards women's land rights. The presentation and analysis of the research findings is done in relation to the research questions and the qualitative and quantitative data obtained from the respondents. The purpose is to draw major findings and to make a link with the literature reviewed, as well as with the conceptual framework adopted for this study.

Data collected through interviews from project officers employed by the Department of Rural Development and Land Reform, women who have access to land within the Department of Rural Development and Land Reform, Community members from the three districts in Mpumalanga which are Ehlanzeni, Nkangala and Gert Sibande and two focus groups from Ehlanzeni and Nkangala districts is presented hereunder.

7.2. DATA GATHERED FROM PROJECT OFFICERS

Data was collected through semi-structured interview schedule from thirty-six (36) project officers employed by the Department of Rural Development and Land Reform from the 1st to the 31st August 2015. Before collecting the data, permission was

sought from two Chief Directors from the Land Claims Commission and from the Provincial Shared Service Centre. Permission was also sought from the project officers to participate in the study and those who volunteered to participate in the study were given the questionnaires to complete and return them to the researcher. The semi-structured interview schedules were distributed and collected from project officers in the employ of the Department of Rural Development and Land Reform in all three districts, which are Ehlanzeni, Nkangala and Gert Sibande. Data was collected from the 1st to the 31st August 2015. The semi-structured interview schedule had three sections, the first section was on biographical information, the second section had five questions probing project officers' roles in relation to land support for women and the last section had six questions probing challenges faced by project officers in supporting women land owners. Data from the semi-structured interview schedules was read and the researcher made notes of emerging themes and also made summaries of each interview discussion capturing opinions, attitudes and perceptions. Information collected from the project officers is presented and analysed as follows:

7.2.1 Biographical information

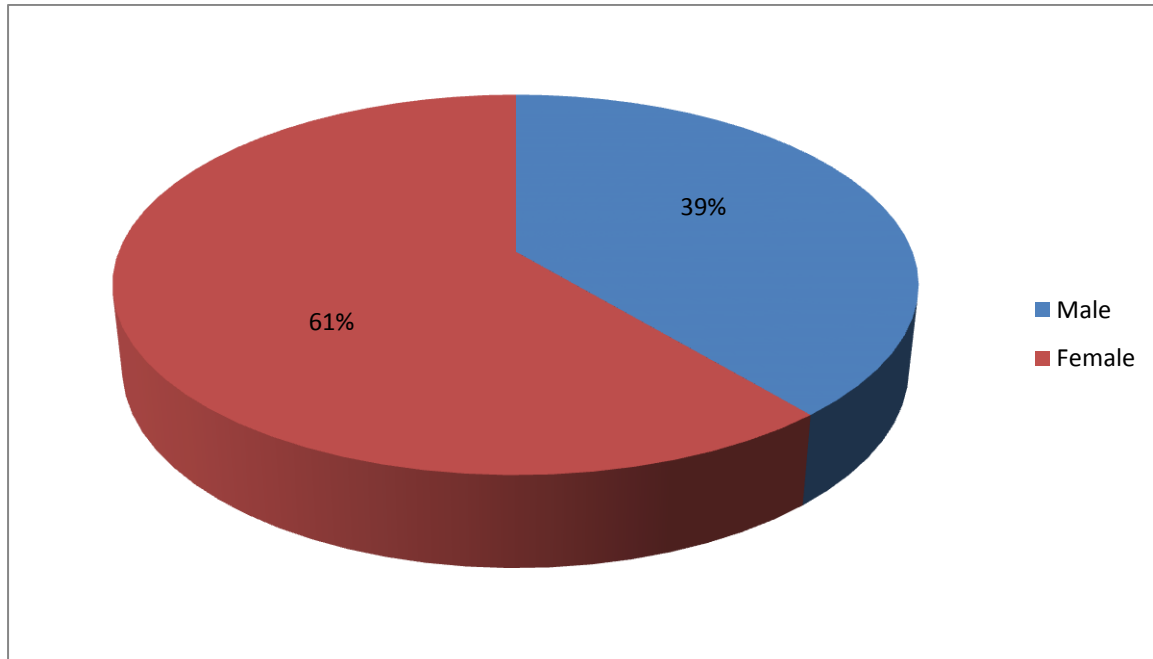
Under the biographical information, the gender, marital status, age of project officers and the years of experience in working with land issues and their occupational levels was gathered, presented and analysed. A total of thirty-six (36) project officers within the Department of Rural Development and Land Reform in Mpumalanga took part in the survey and were drawn from a baseline of one hundred (100) project officers that are employed within Land Claims Commission and Mpumalanga Provincial Shared Service Centre. The results of the biographical information are indicated as follows:

7.2.1.1 Gender profile of Project Officers

The rationale for probing the gender of respondents was to determine whether patriarchal tendencies influence male project officers when working with women who have access to land. It is always assumed that South African workplace environment is dominated by males and that they occupy all occupational levels (*Supra*: 103). The results of the study however contradict a generally upheld view that males dominate all occupational categories. It is however important to note that even though the results of the study indicate that women do dominate the workplace,

the majority of women are concentrated in the lower ranks of employment than men who are mostly in decision-making positions.

Figure 2: Gender profile of project officers

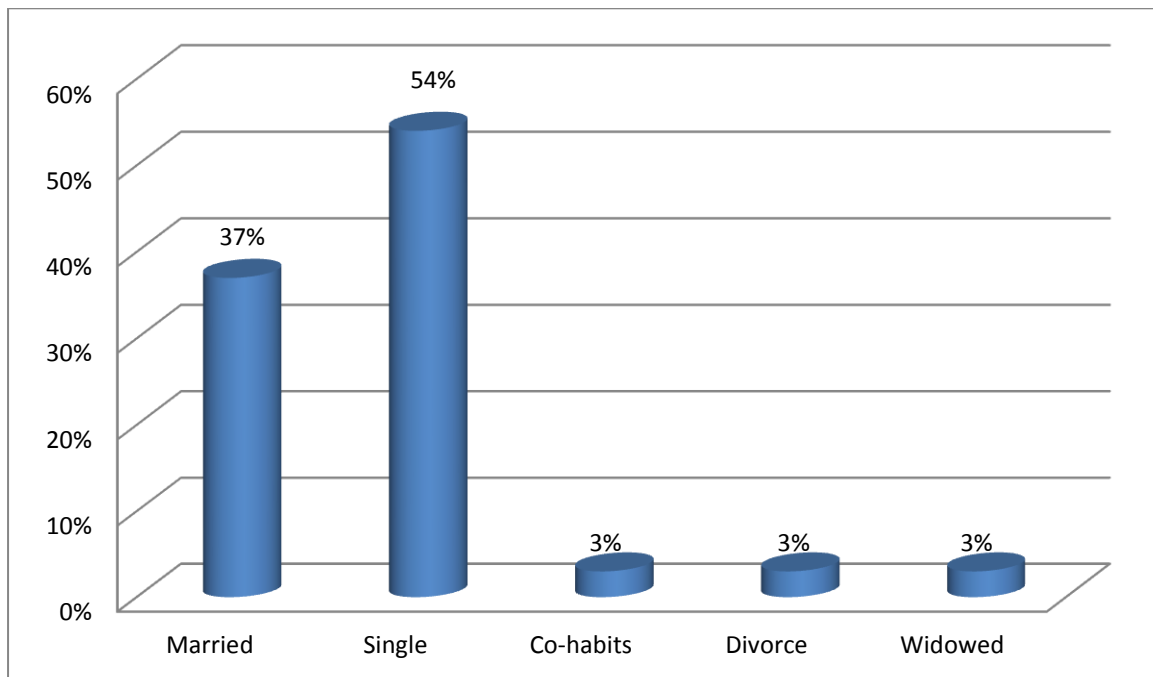


The majority of project officers who participated in the study were females (61%) as compared to males (39%). Perused literature alleges that male extension officers tend to be biased against women land owners (*Supra*: 49). The findings however indicate that more female project officers took part in the study than males. Any gender bias observed in the study are from both males and females, which disputes what literature alleges about male project officers being biased towards women land owners. The results of the study indicate that both males and females have tendencies to be biased toward women land owners.

7.2.1.2 Marital status

The rationale for probing the marital status of project officers was to probe the understanding of the equal distribution of resources and attitudes towards women's decision-making powers. In African society, the marital status of an individual demonstrates a sense of responsibility. The more the person is in marriage, the likelihood of trust of responsibility. The lesser the person is unmarried the more irresponsibility is attached to the person.

Figure 3: Project officers' marital status

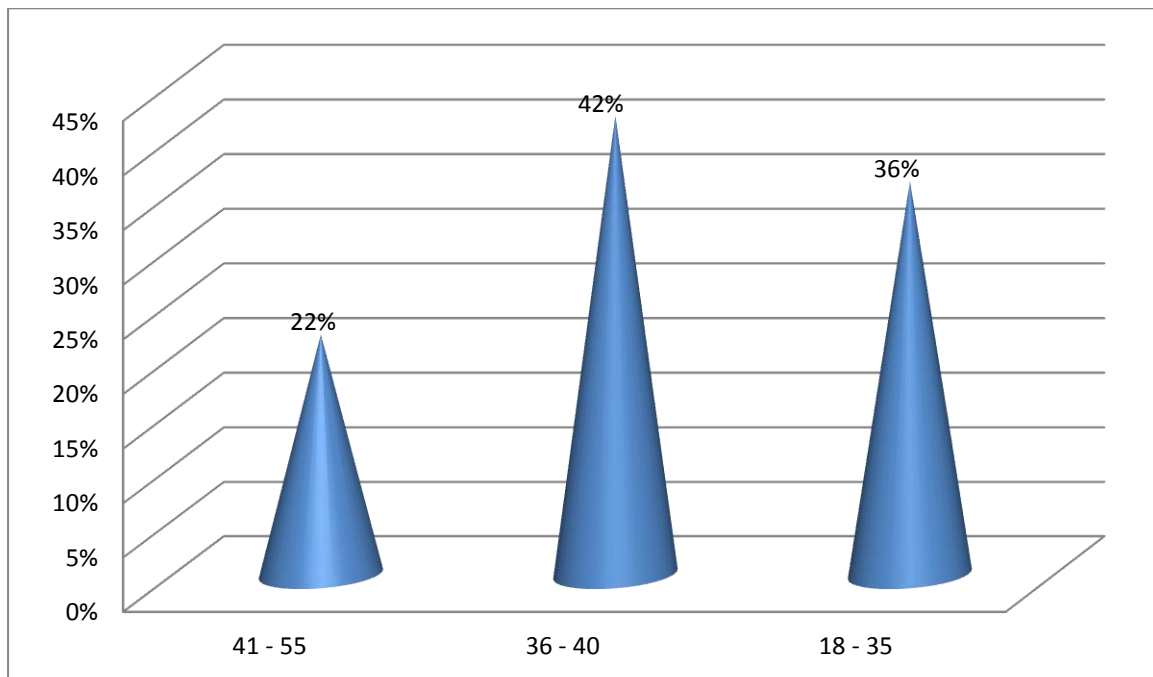


To probe marital status, the respondents were divided into five (5) categories ranging from whether they were married or single, cohabiting, divorced or widowed. According to the outcome of the study, thirty-seven percent (37%) of the project officers were married, fifty-four percent (54%) were single, three percent (3%) were cohabiting, three percent (3%) divorced and three percent (3%) were widowed. In general there are more single participants in the study than married ones. The implication of this is that single project officers may not take their responsibilities in a serious light as compared to married project officers which may have a negative impact on how they support women land owners.

7.2.1.3 Age profile

The purpose of this variable was to determine the age group of project officers likely to be employed by the Department of Rural Development and Land Reform. This helps to determine the intergenerational group in the work environment. People communicate based on their generational backgrounds. Each generation has distinct attitudes, behaviors, expectations, habits and motivational buttons. This in turn has a bearing on how women are viewed in relation to land. The younger generation may be more open women owning land and thus assisting women regarding extension services because they are aware of women's land rights than the older generation.

Figure 4: Project officers' age profile

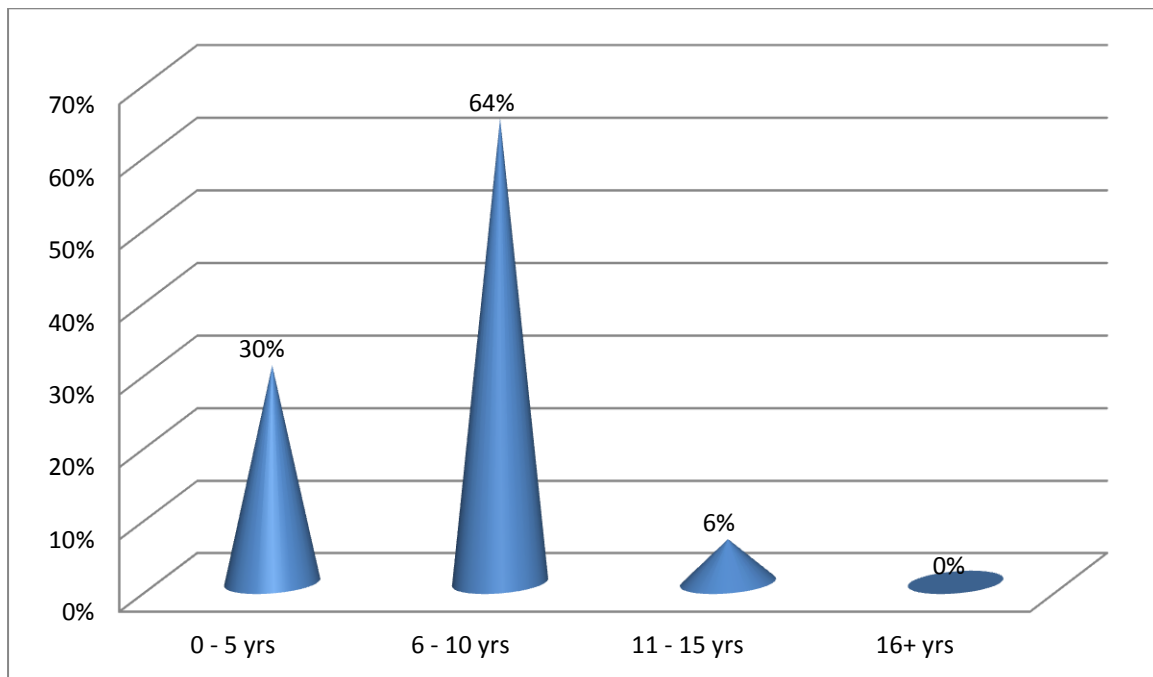


The age group profiles of the respondents were categorised into three, i.e. 18-35, 36-40, and 41-55. The results from figure 4 above showed that the largest percentage of the participants were of the age group 36-40. That is followed by the 18-35 age group, and then by the 41-55 age group. This reveals that the largest participants of this study were indeed young and middle aged employees forty-two percent (42%) and thirty-six percent (36%) respectively. The age group of the older generation is slightly lower in this category as it stands at twenty-two percent (22%). The current government promote youth development for economic development and that explains why the majority of the youth are employed by the Department of Rural Development and Land Reform.

7.2.1.4 Years of experience in working with land issues

The reason behind gathering information on project officers' experience in working with land issues was to determine the extent of knowledge of trends in ownership of land by women in the past and recent trends. The more experienced an individual is, the more valid information can be obtained from such an informant. It is indeed well experience people that know problems in their field of work and how they could help to solve them. The land issue in South Africa requires well skilled individuals.

Figure 5: Respondents' years of experience in working with land issues



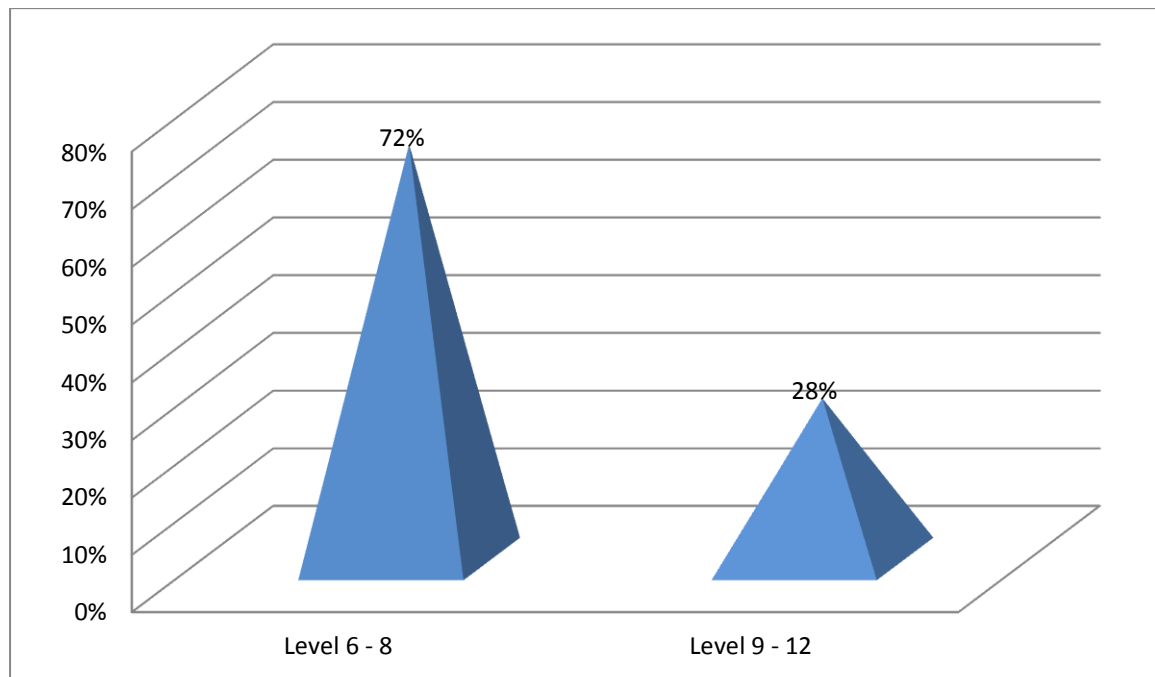
The findings of the study indicates that there were more project officers (64%) who had 6-10 years of experience in working with land issues followed by thirty percent (30%) with five or less than five years of experience and six percent (6%) with 11-15 years experience. The level of experience which most project officers have is important as it adds value and credibility to the information given by them. According to Mathabatha (2005) employees who served a number of years in a certain field develop expertise through experience and thus become more skilful and competent in performing their tasks. The information depicted on Figure 6 below however indicates that the majority of project officers are still at entry level in terms of occupational levels which is not a decision-making level. Even though they have been working for a longer time within the Department of Rural Development and Land Reform, they however, have less chances of influencing policy.

7.2.1.5 Occupational level

Probing the occupational level of project officers was aimed at determining the number of project officers at decision-making levels as it has a direct impact on women and land. The level of project officers' authority plays a major role in decision-making especially with regard to the equitable division of economic

resources such as the recapitalisation funds offered by the Department of Rural Development and Land Reform.

Figure 6: Respondent's occupational levels



Seventy-two percent (72%) of project officers fell in the occupational levels 6-8 which is not a management level and those who were in the management levels (9-12) totalled twenty-eight percent (28%). The implication of more project officers being at an entry level has an impact on how they influence change in their work environment. Lower level employees are implementers and not decision makers. What the project officers normally say is that they are chasing targets and that is their main concern. Chances of them picking up discrepancies in their implementation process and reporting on it in order to influence policy are slim.

7.2.2 Project officers' roles

Project officers' roles in relation to women and access to land will be analysed focusing on their role in relation to land support with particular emphasis on the effectiveness of their support to women, the extent of them achieving their function in supporting women who have access to land, the existence of programmes specifically targeting women to assist them to access land within the Department of Rural Development and Land Reform and opinions on the effectiveness of

government's efforts in enabling women to access land. The other area of analysis will be on determination of challenges faced by project offices in supporting women land owners paying attention to project officers' opinions on women having the potential to succeed in land use, their views on whether they prefer working with women as

compared to men, opinions on women's access to training or skills development aimed at improving land use, the impact of women's literacy levels on land production improvement, efforts done by project officers to take into account women's productive and reproductive roles in relation to land use and an assessment of the major challenges faced by project officers when working with women.

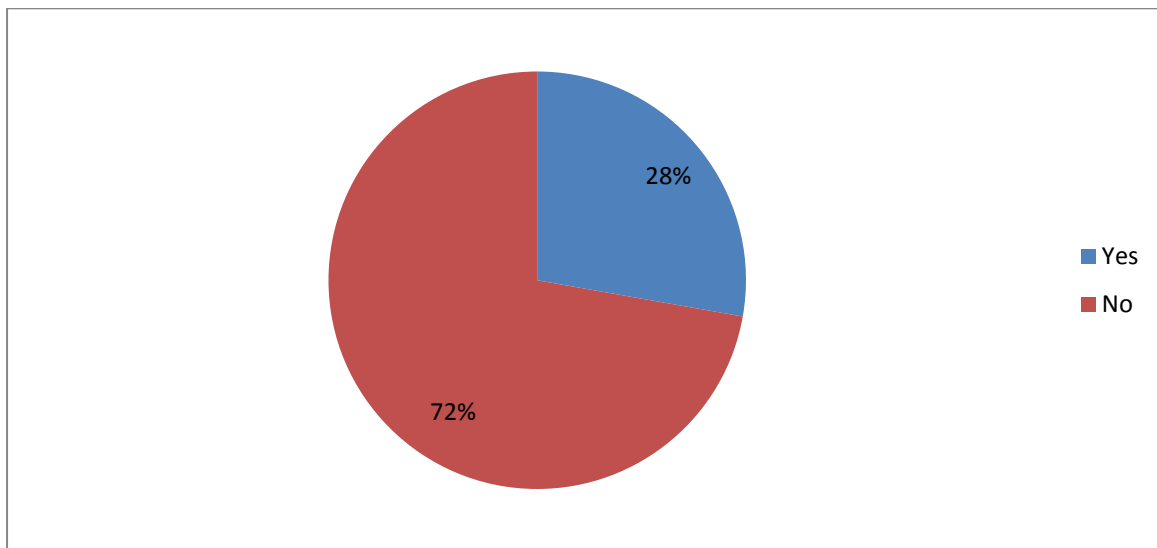
7.2.2.1 Roles in relation to land support

The aim of the question was to probe the roles of project officers within Land Claims Commission and the Provincial Shared Service Centre in relation to land support. Project officers within Land Claims Commission indicated that their roles involves the processing of land claims from the time when people lodge their claims, the screening of claims, researching land claims, creating land rights awareness and the handover of claimed land to new owners. Project officers from the Provincial Shared Service Centre are responsible for buying and leasing bought land to women and men who are interested in agriculture, assisting those who have access to land in applying for funds through the recapitalisation programme, building of infra-structure such as piggeries, roads, goods sheds, and lastly for the development of enterprises and linking of projects with markets. The roles mentioned by the project officers are in line with the strategic plan of the Department of Rural Development and Land Reform and they were indicated as they appear on project officers' performance agreements, which are evaluated quarterly and then on an annual basis.

7.2.2.2 Effectiveness of project officers' support to women

To determine the effectiveness of project officers' roles in support to women, project officers were asked whether they viewed their support to women as effective. In this instance the project officers responded as follows:

Figure 7: Effectiveness of project officers' roles in supporting women



Seventy-two percent (72%) of project officers viewed their support to women as effective whilst only twenty-eight percent (28%) of project officers who view their efforts as not being effective. Project officers who answered yes to the question indicated that they viewed their support to women as positive mentioned that they encourage women's involvement and election in Communal Property Association (CPAs) structures for communities who have been given back their land which was taken due to racial segregation that deprived people of their ancestral land. The Department of Rural Development and Land Reform advise that the composition of CPAs should include women and as such when elections are done, women are elected into the structures so there is a representation of women as a group. The election of women into the CPA structures is supported by the socialist feminism perspective which calls for a change in the structural order of male dominance to create equality in the domestic, educational, health, political and economic arenas (*Supra*: 32). Despite this the patriarchal nature of society calls for the involvement of men in leadership positions thus women are rarely elected to leadership positions within these structures but are instead relegated to secretarial positions. The findings of the study confirms the lack of representation of women in decision-making positions making it difficult for women to have their needs articulated and making sure that developmental initiatives take their needs into account (*Supra*: 47). The election of women into secretarial positions and not chairman positions was raised with project officers who were adamant that women were represented in the

structures despite the fact that they are in non- decision making positions. The liberal perspective argues that the domination of women by men is based on ignorance and that men have a potential to change. This, according to the liberal perspective can be changed through creating awareness on the position of women with regard to women’s access to land (*Supra*: 34). The education of project officers on the ability of CPA structures to influence change then becomes crucial. Such can serve as an entry point for women to have a voice and have their interests served whilst also being a tool to educate men in the society about women’s land rights especially in the rural arena.

The following is a summary of the number of CPA structures in the three districts within the Department of Rural Development and Land Reform.

Table 8: Existing CPA structures within the three districts under study

DISTRICT	NO OF CPAs	NO OF CHAIR PERSONS				NO OF DEPUTY CHAIRPERSONS			
		MALE	%	FEMALE	%	MALE	%	FEMALE	%
Nkangala	110	104	95	6	5	104	95	0	0
Gert Sibande	38	36	95	2	5	36	95	2	5
Ehlanzeni	78	74	95	4	5	74	95	0	0
TOTAL	226	220	100	12	15	214	100	2	5

Source: Department of Rural Development and Land Reform (2015)

Table 9 above depicts the number of women elected to leadership positions within CPAs in three districts, i.e Ehlanzeni, Nkangala and Gert Sibande. From a total of two hundred and twenty-six (226) CPA’s in the three districts, only twelve (12) women were elected to chairperson positions whilst two hundred and twenty (220) men have been elected to chairperson positions. Two (2) women have been elected to deputy chairperson positions against two hundred and fourteen (214) men. For women to have access to land there is a serious need to change norms and practices that discriminate against women in order to create an enabling environment for women to access land. This should involve the inclusion of women

in important structures that determine how resources such as land are distributed. According to perused literature the lack of women's representation in decision making structures impedes women's involvement in development initiatives (*Supra*: 47). The low number of women elected in CPA structures as indicated on Table 9 is a clear indication of the low position women occupy in the three districts. The results of the study thus confirm that land is still regarded as men's territory (*Supra*: 15) as per perused literature.

Project officers also said they encourage women to attend awareness campaigns on land restitution. This is done so that women can get the same knowledge given to their male counterparts. The fact that women turn up in large numbers, according to project officers is an indication of the effectiveness of their roles as project officers. It is however crucial to note that even if women turn up in large numbers during campaigns, that does not translate into empowerment. Empowerment will be when large numbers of women access land on equal footing with men. An assumption can then be made that those who work with land matters are rather concerned with numbers but not the power that comes with the position.

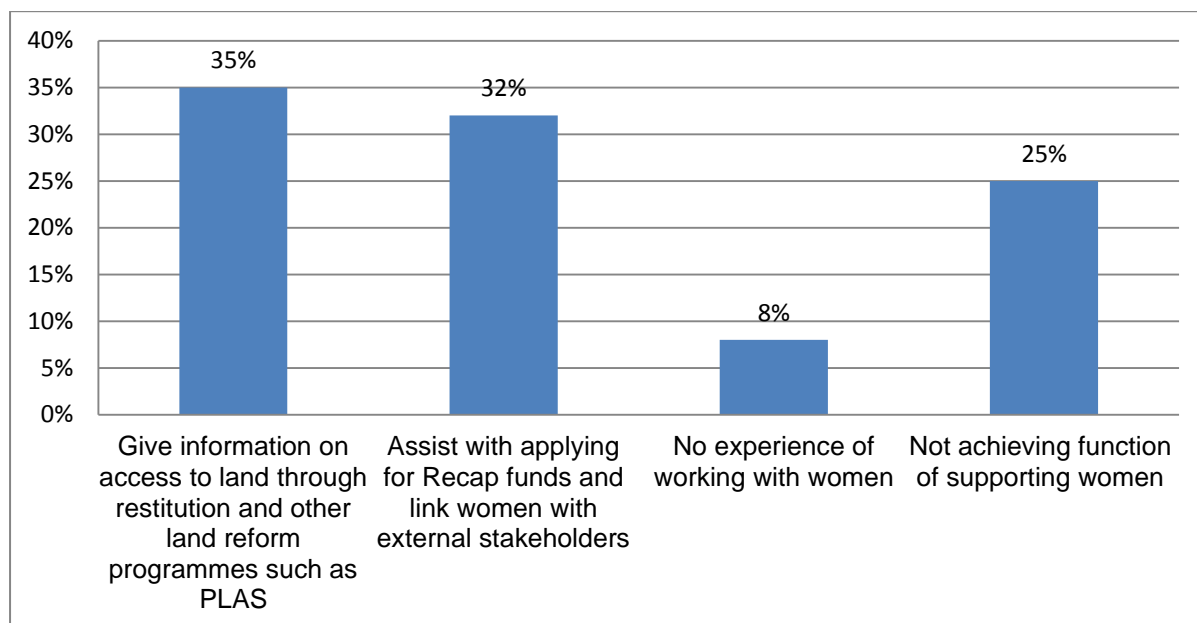
Reasons cited by twenty-eight percent (28%) of project officers who viewed their roles as not effective said women were always quiet when discussing land matters and left the men to make decisions or voice their opinions. This supports perused literature that men are socialised to be decision makers, are brave, protectors, assertive and independent whilst women are socialised to be submissive, always striving to please men, dependent and socialised to be housewives (*Supra*: 31). Even when elected in the CPA structures they are seldom vocal as their positions, which are secretarial in nature, are meant to keep them quiet. An assessment of the project officers' response led to the researcher to draw a conclusion that women in secretarial position have no reason to raise opinions except to capture what is being said in a meeting and thus leaving the thinking to men. The results of the study then support Marxist perspective that women are seen as dependent on men hence they are relegated to non-decision making positions (*Supra*: 42). The Ndebeles were said to be more conservative than any ethnic group according to the project officers because even the seating arrangement during meetings or gatherings indicates the low position of women. For example, men are said to sit on chairs and women on

the floor away from the men a scenario observed by the researcher during Nkangala focus group discussion. Women's opinions were seldom sought during meetings. The Communal Property Association Act No 28 of 1996 is also very quiet on the involvement of women in CPA structures as it does not categorically put it clear that women can and should be elected into leadership positions. The election is left to the men to decide who should be elected. One reason given for the lack of participation by women in community gatherings was that most of the restitution claims were made by families, and in most traditional African culture women (which include daughter-in-laws and unmarried daughters) are not allowed to either address their father-in-laws or other elderly male relatives in public. The results of the study confirm that there are customs that do not allow women to participate in the formation of structures that empowers them and disallow them to engage with men in public (*Supra*: 40). It is however important to applaud the Department of Rural Development and Land Reform for taking an initiative to enforce the representation of women in CPA structures, because it is a positive move towards women's involvement in land matters, something that is rarely heard of.

7.2.2.3 Extent in which project officers achieve their role in supporting women

Project officers were asked to indicate the extent in which they achieve their function in supporting women who have access to land in order to probe the nature of support given to women land owners. According to perused literature, women farmers find it hard to access extension services and other services such as water and credit (*Supra*: 47). Project officers were then asked to indicate whether they view their support to women as impacting positively on assisting women to access land and other resources offered by the Department of Rural Development and Land Reform.

Figure 8: The achievement of project officers' roles in supporting women



Thirty-five percent (35%) of respondents indicated that they only assist with giving information to communities about land and not necessarily target women, thirty-two percent (32%) said they assist women in applying for recapitalisation funds from the Department of Rural Development and Land Reform whilst eight percent (8%) of project officers said they have no experience at all on working with women. Twenty-five percent (25%) said they view their support to women as not effective.

The thirty-five percent (35%) of respondents who indicated that they are offering assistance to women through information giving said when they have awareness campaigns with community members to give information about lodging land claims and also about other programmes on accessing land, they would address everyone and since women show up at these gatherings they also get information. This is then regarded as the effectiveness of supporting women when project officers carry out their duties. Some indicated that women sometimes do come to their offices or phone in for information and they are assisted just as men would get assistance if they were to call in or visit the offices.

The project officers who said they are not achieving their function of supporting women argued that although they try to empower women by asking that they be

elected into CPA structures for example, it is not easy for the women because they still have to go back to the very same patriarchal communities they come from. As one project officer responded,

“men are not supportive of vocal women, land is seen as a man’s responsibility”.

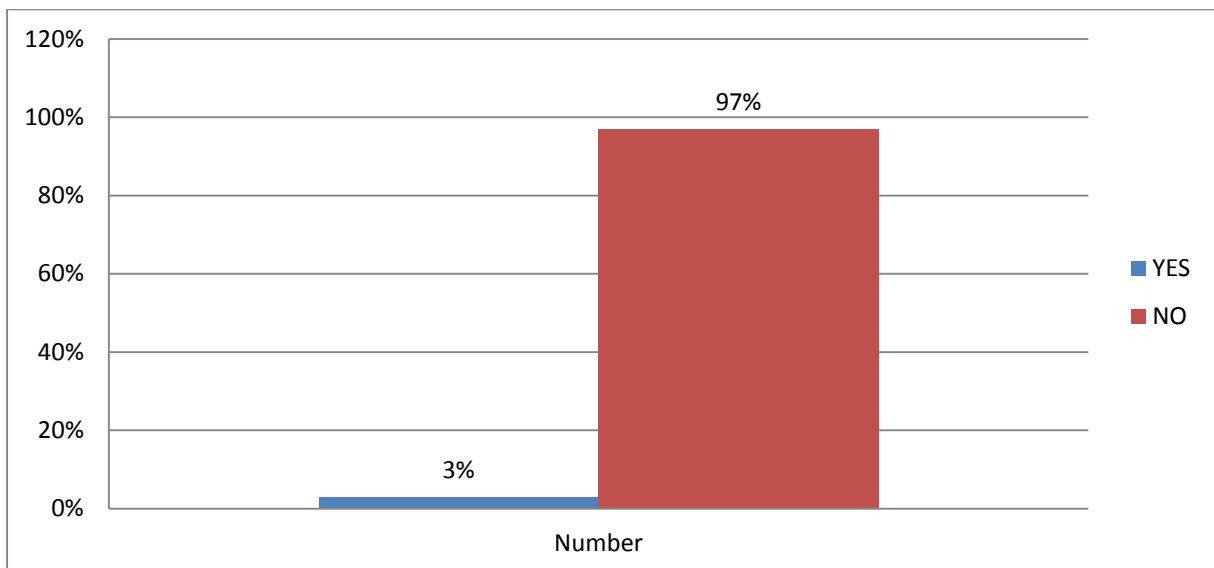
Some project officers stated that even when prompted to participate in CPA structures, most women lacked confidence and rather let men take over, this despite them being in the majority when elections are held. From the response of the project officers it can then be argued that since women have been subordinated for decades, they need a strong support system when elected into decision-making positions as chances of them succeeding are less without support. They may be elected into positions and left on their own without support or be undermined by the men and women they are supposed to lead so that it can be proven that they are incapable of leading. The socialisation of boy and girl children by the family fosters a notion of dependence, submissiveness and passiveness for girls whilst boys are socialised to be independent, to be decision-makers and household heads amongst other things and this is the reason why women lack confidence as indicated by the project officers. Women have the ability to develop and change but structures should be put in place to support them to succeed (*Supra: 75*).

Project officers who indicated assisting women apply for recapitalisation funds and linking women with stakeholders, mentioned the Department of Agriculture with regard to extension services, the sugar and meat industry, organisations such as SEDA, NYDC and Agri-SETA as stakeholders that work with the Department of Rural Development and Land Reform to assist farmers. Most of them said they work with a limited number of women who have access to land since they are not responsible for the allocation of land. The reason for a small percentage of women who access land as being attributed to lack of awareness on the existence of legislation that promotes their access to land (*Supra: 115*). Eight percent (8%) of project officers who indicated that they have never worked with women before said they could not measure the effectiveness of their efforts in supporting women.

7.2.2.4 Knowledge of programmes specifically targeting women to access land within the Department of Rural Development and Land Reform.

The question was asked in order to probe whether the Department of Rural Development and Land Reform had any programmes that were specifically targeting women to enable them to access land. According to literature, states should ensure the availability of land record databases and that monitoring and evaluation instruments are sex desegregated to enable the promotion of women's effective, secure and equal enjoyment of their land rights (UN-Women, 2013: 41).

Figure 9: Respondents' knowledge of programmes specifically targeting women to access land



In response to a question to determine the existence of any programmes targeting women to assist them to access land within the Department of Rural Development and Land Reform, the majority of project officers (97%) stated that there were no programmes specifically targeting women to assist them to access land within the Department of Rural Development and Land Reform whilst only five (3%) said there were programmes targeting women. Those within the Land Claims Commission said they were only responsible for the restitution of land to communities dispossessed of land during apartheid years and if women were part of the communities dispossessed of land they are also served just like everyone else. Post settlement is said to be the Provincial Shared Service Centre's responsibility. However the three percent (3%) project officers who said there were programmes targeting women

within the Department of Rural Development and Land Reform did not give examples of those programmes. It can then be assumed that they are of the opinion that the limited number of women who have access to land is regarded as sufficient and thus is some sort of a programme that targets women as a group.

The fact that the Department of Rural Development and Land Reform has no specific programmes targeting women in terms of access to land is evident in the poor collection and record keeping of sex desegregated data. This makes it difficult to gauge the extent of access to land by women (*Supra*: 115). The provincial strategic and operational plans do not have indicators that talks to provision of land to women or people with disabilities as a group. Their access to land is left to chance hence any information available on women who have access to land is based on women who accidentally accessed land and not that they were specifically targeted to access it. Unless Senior managers who are responsible for land allocation and their project officers have an indicator that talks to the provision of land to women and people with disabilities, and also report on statistics of women who have accessed land and other services offered by the department, it will not address the equitable access to land by all South Africans. The findings of the study confirm that the Department of Rural Development and Land Reform has no programmes that specifically target women to access land.

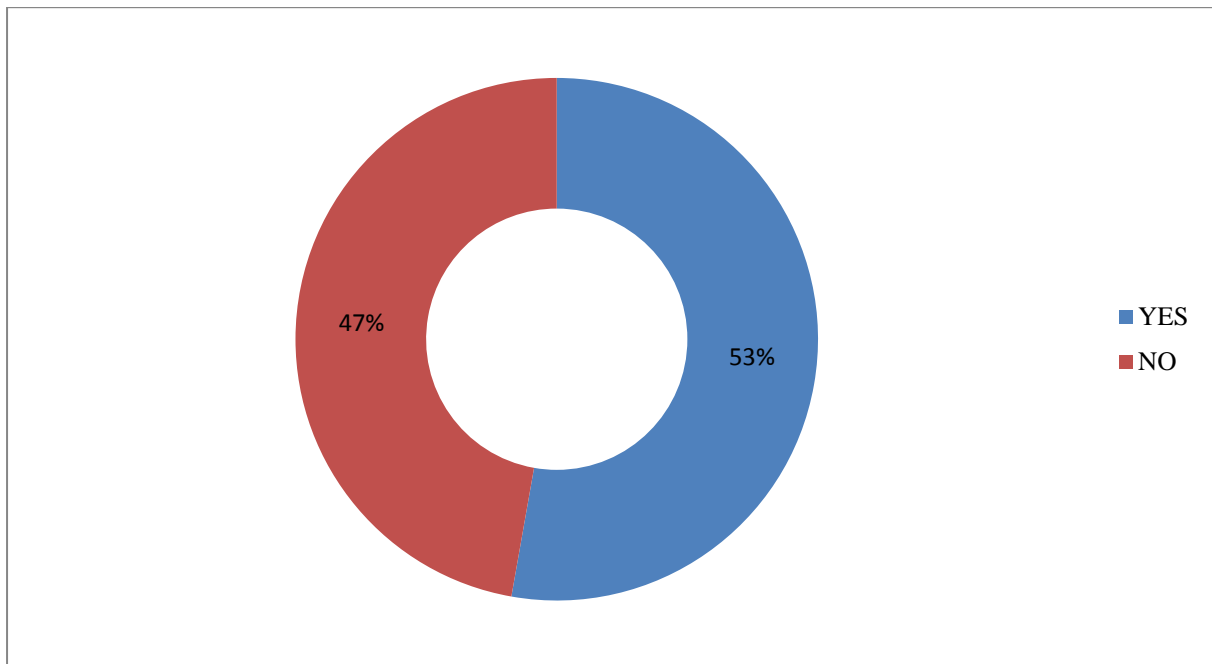
7.2.2.5 Effectiveness of efforts by government to enable women to access land

The South African government signed treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women which was adopted in 1979 and came into force in 1981. One of the articles of CEDAW which is article 14 obliges all states to;

“Take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure on the basis of equality of men and women that they participate in and benefit from rural development”.

Project officers were asked whether they viewed efforts done by government to have had any impact on enabling women to access land.

Figure 10: The effectiveness of government's efforts to enable women to access land



Fifty-three percent (53%) of the project officers stated that efforts done by government to enable women to access land were having an impact albeit very small compared to an almost equal number of forty-seven percent (47%) of project officers who said government was not doing enough to enable women access.

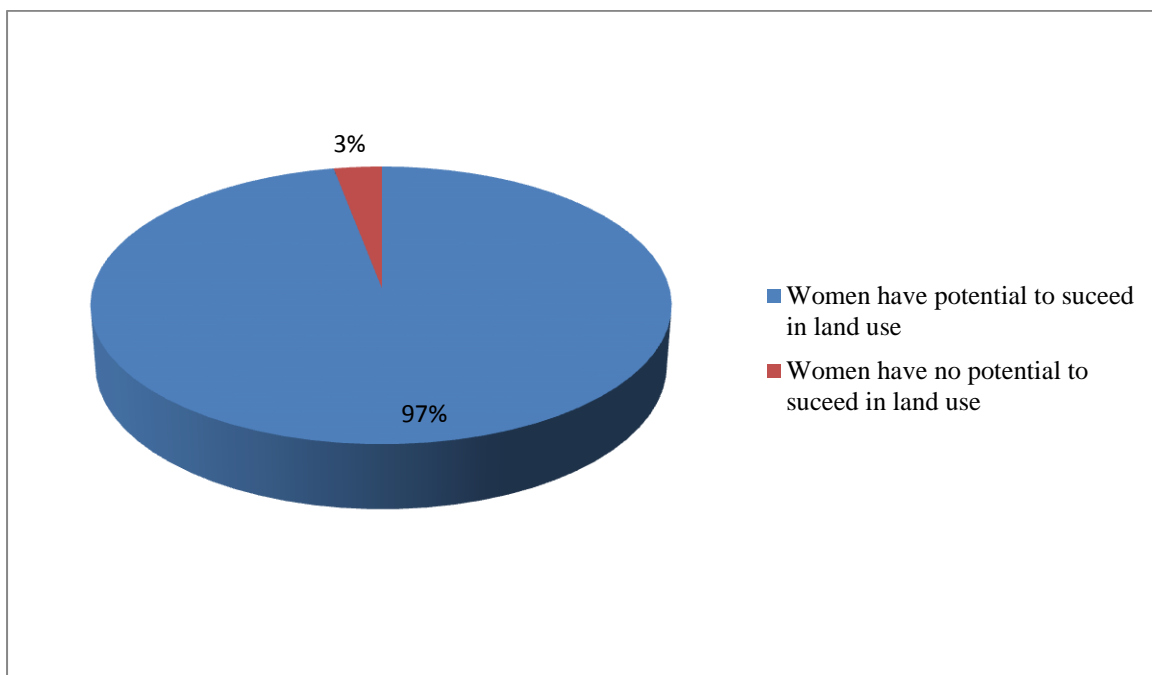
Project officers (53%) who argued that governments' efforts are having an impact on enabling women access land said previously it was unheard for women to own land because land was regarded as a men's terrain, however, the number of women who access or want to access land is increasing and that is an indication that governments' efforts are effective. They however also unanimously agreed that the pace was slow for women as that of men. According to CEDAW (1979), state parties are obliged to "take all appropriate measures, including creating legislation to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women (*Supra*: 54). Project officers (47%) who indicated government's efforts as not having an impact on women and access to land argued the fact that there are no programmes specifically meant to target women as a reason. They stated that the a Proactive Land Acquisition Strategy of the Department of Rural Development and Land Reform did not have a set target on the number of women who should have access to land. This means that project officers

used their discretion on how to allocate land to which is based on the requirements as stipulated by the department. This is unlike the Department of Agriculture which used the Women in Agriculture and Rural Development (WARD) as a strategy to give women land; hence most of the co-operatives that the Department of Rural Development and Land Reform work with are women who benefitted through WARD.

7.2.2.6 Opinions on women as having potential to succeed in land use

According to perused literature women have always been involved in agriculture albeit not on a commercial scale and they have been responsible for household and community food security (*Supra*: 47). They also said women have always supplied labour either to their husbands or white commercial farmers by weeding, harvesting and the storage of food. The variable was used to probe project officers' opinions on whether they viewed women as having potential to succeed in land use.

Figure 11: Opinions on women as having potential to succeed in land use



In response to a question to determine project officers' attitudes towards women as having potential to succeed in land use, ninety-seven percent (97%) project officers with the exception of three percent (3%), agreed on women as having potential to succeed in land use. They argued that women have always been involved in agriculture albeit not on a commercial scale and they have been responsible for

household and community food security. The acknowledgement of women as producers of food at household, community and country level is thus supported by the findings of the study (*Supra*: 47). They also said women have always supplied labour either to their husbands or white commercial farmers by weeding, harvesting and the storage of food. Project officers stated that given the same opportunities afforded to men, women will do well in agriculture just like men or even do better because they are hardworking, more focused and able to organise themselves. To support the project officers comments, in rural areas when it is time for weeding, harvesting and storing food women organise themselves into groups which may be called in different names such as '*ilima*' in Nguni language or '*letsema*' in Sotho. Women who have access to land are said to be doing well as compared to a majority of men despite the numerous challenges women have. They also indicated that the only short coming is that women who have access to land will not get recapitalization funds at a faster rate compared to men. The findings confirm that farms belonging to women are more likely to lie fallow due to difficulty in accessing credit even though financing is offered within the department. This is because the low status of women in society dictates that they face a lot of constraints such as the inability to access resources like finances because they are thought to be incapable (*Supra*: 48). When looking at recapitalization statistics from the Department of Rural Development and Land Reform, most projects financed belong to men. Recapitalization and Development focuses on human development in terms of capacity, infra-structure development and operational inputs on properties in distress and newly acquired through the land reform redistribution, restitution and other programmes since 1994 as well as other agricultural properties in distress acquired without grant funding. It is aimed at ensuring that the enterprises are profitable and sustainable across the value chain in line with the Business Plan which stipulates comprehensive development requirements of targeted properties over 5 year recapitalization and development cycle. The complaint by women about poor access to credit is supported by other researchers on land matters. They state that access to land can only be beneficial to women provided there are equal agricultural inputs between men and women.

Another obstacle stated by project officers as having an impact on women succeeding in land use is the fact that the majority of women have access to

communal land rather than commercial land. Communal land restricts women to one (1) or two (2) hectares of land and this hampers their potential of becoming commercial farmers.

Three percent (3%) of the project officers who said women have no potential of succeeding in land use said they do not have knowledge in farming, a notion disputed by the ninety-seven percent (97%) of project officers who have confidence in the ability of women to succeed in farming. It is then safe to assume that chances of projects that belong to women that are allocated to this project officer and need recapitalisation may not be recapitalised as preference would be given to men as the project officer thinks women are not capable of farming. Women are less likely to get access to financial resources due to biasness of extension officers towards women an assertion supported by the outcome of the research which indicates that most women do not access recapitalisation funds on equal footing with men (*Supra*: 48).

7.2.2.7 Opinions on whether women are an easy group to work with or not.

Project officers were asked whether they viewed women as an easy group to work with in order to ascertain allegations by literature that male project officers are often biased towards women land owners (*Supra*: 49). The generally upheld view for the biasness is said to be due to the fact that men are regarded as decision-makers and not women. Women are supposed to support men and not take leading positions and hence they may not be given a chance to prove themselves but will instead be viewed as not easy to work with as compared to men.

Table 9: A breakdown of responses on whether women are an easy group to work with or not.

RESPONSE	%
Yes	80
No	20
TOTAL	100

The majority of project officers eighty percent (80%) indicated that women were an easy group to work with. They said women take instructions well and thus are able to implement what they are taught, they are hard workers, have patience, are intelligent, are good listeners, kind and independent. Their projects have high sustainability rate as compared to men owned projects because women are said to be easily accessible. They have less conflict than men who are said to be egoistical, lazy and difficult to work with as they are said to be highly resistant to change. There is another perspective though that men are hard workers and able to make decisions faster than women.

The other respondents (20%) said women were difficult to work with because they are moody and get offended easily, and also gossip a lot which causes a lot of conflict if they are working in a group. This then is said to affect the performance and progress of a project as more time is spent on conflict management than the real work. This is generalisation which is not founded on fact since the majority of project officers did not mention the fact that women are moody and get easily offended. It may be because women land owners may not be happy about extension services they get from project officers. It is possible that some women may even voice their dissatisfaction which may in turn be viewed in a negative way by project officers since they do not expect women to be heard but seen.

This notion is disputed by the responses got from project officers because from the responses given, the majority prefer working with women than men. This then is a clear indication that should women be given the same opportunities in terms of access to land on equal basis with men, they have a potential to succeed because project officers have no qualms working with them. The notion that extension officers prefer working with men as indicated in the body of literature (*Supra*: 49) does not apply within the Department of Rural Development and Land Reform because the majority of project officers (80%) indicated that women were an easy group to work with than men.

7.2.2.8 Access to training or skills development by women as compared to men

Project officers were asked if women land owners had equal access to training or skills aimed at improving land use as compared to men. According to literature female land owners have difficulty in accessing training and skills on equal footing

with men since extension services are not tailor made to take women’s reproductive work into consideration (*Supra*: 49). Probing on whether women have access to training and skills as compared to men shared a light in indicating whether extension services were indeed biased toward women.

Table 10: Comparison of access to training or skills development by men and women

RESPONSE	MALE	%
Yes, women do access training or skills development on an equal basis with men.	16	44
No, women do not access training or skills development on an equal basis with men.	14	39
I am not involved in the training or skills development of women	6	17

Forty-four percent (44%) said women have access to training or skills development on an equal footing with men, followed by thirty-nine percent (39%) who said women do not access training or skills development on an equal basis with men. Seventeen percent (17%) of the project officers who are employed within the Land Claims Commission said the Commission is not responsible for post settlement support and thus could not respond to the question. The responsibility of post settlement support was moved from Land Claims Commission to the Provincial Shared Centre because it is responsible for the recapitalization fund which is given to distressed farms. The Department of Rural Development and Land Reform realised that most land reform projects were not successful and thus in distress, or had failed, due to a lack of adequate and appropriate post-settlement support. Another major problem was that land acquired through programmes such as the Land and Agricultural Development Programme (LRAD), were on the verge of being auctioned, or had been sold due the collapse of the projects resulting in a reversal of the objectives of land reform. The aim of the recapitalisation policy is to ensure productivity and food security. There are district committees constituted of stakeholders such as the Department of

Agriculture, the municipality and others do an assessment to determine whether a project is distressed and then make recommendations for the farm to be allocated funds. The assessment to check whether a farm is distressed or not take into account issues such as infrastructure, production inputs and everything that is supposed to help a farm to be productive. The recapitalisation policy however has got gaps in that it does not target women even though they are in the minority in terms of access to land. Most men know their rights and normally demand that their farms be recapitalised and can even go as far as writing to the Minister of Rural Development if they are not recapitalised.

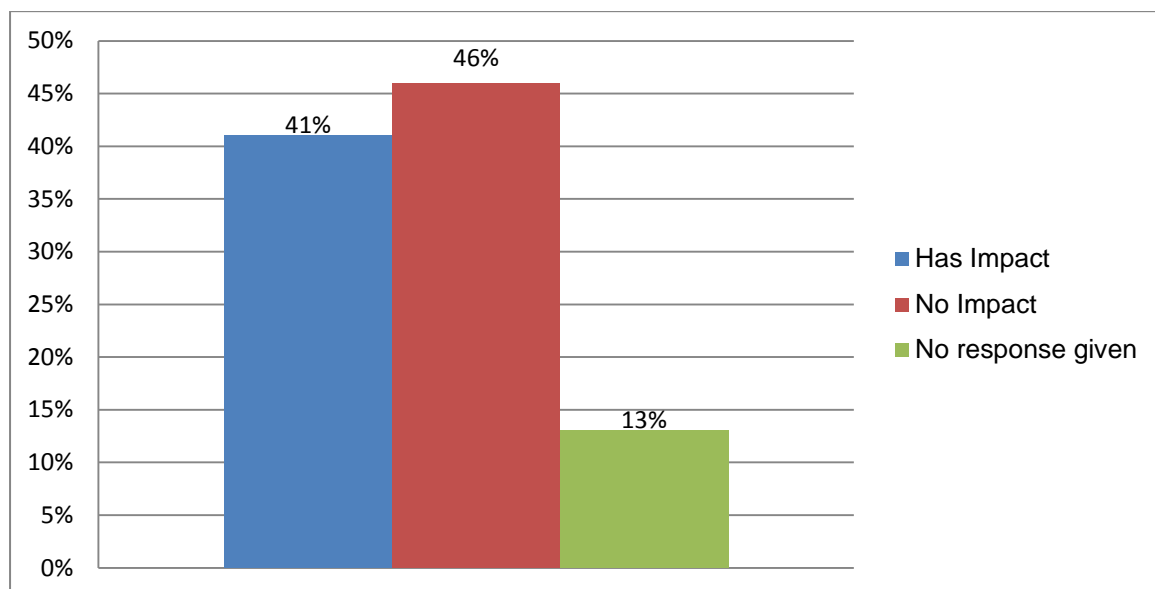
According to the forty-four percent (44%) of project officers who said women have equal access to training or skills development with men said training is offered to women who had access to land so that they increase their production. Trainings within the Department of Rural Development and Land Reform focuses mainly on agricultural training and is offered by the Department of Agriculture, Agri-SETA, SASA, the meat and sugar industry and the Department of Rural Development and Land Reform itself. The findings thus negates that female land owners have difficulty in accessing training and skills on equal footing with men since extension services are not tailor made to take women's reproductive work into consideration (*Supra*:49). Thirty-nine percent (39%) of project officers who said women have no access to training or skills development on an equal footing with men argued that since there was a small number of women who have access to land, men were in the majority and that in itself translates to women not having equal access to training or skills development. The fact that women were also not getting recapitalization funds on an equal footing with men according to the project officers meant they did not receive training. The results of the study then support that the assertion by the body of literature that land would not have a positive impact on women's lives if there is no equal agricultural input (*Supra*: 41). Extension services are important for women since they also need to learn new skills and techniques to improve their yields. Some project officers said women had problems attending trainings that took them away from home for long periods because that created problems in their households. Husbands would often not be happy if women are away from home for long periods. The unequal division of household labour has been quoted as having a negative impact on women participating in the economic sphere because they have to divide

their time between productive and reproductive work. The findings confirmed what has been indicated by literature and this is also confirmed by the stance of project officers' allegations of the reluctance of women attending trainings that took them away from performing their reproductive roles (*Supra*: 146).

7.2.2.9 The impact of women's literacy levels on improvement of land production

According to literature, women suffer the most in terms of access and ownership of land, especially women from rural areas due to low literacy levels. The low literacy levels are a hindrance to women in terms of accessing skills and training to increase their yields (*Supra*: 49). The question was asked to probe if women's literacy levels had an impact on the improvement of land production.

Figure 12: The impact of women's literacy levels on improvement of land production



In response to the question “*what is your opinion of the impact of women land owners' literacy levels on improving their land production*”, forty-one percent (41%) of project officers said women's literacy levels has an impact on improving land production whilst forty-six percent (46%) of project officers indicated that women's literacy levels has no impact on improving land production. Thirteen-percent (13%) of the project officers did not give a response to the question. Project officers (46%) who argued that women's literacy levels had no impact on improving land production indicated that women had been involved in agriculture for decades without any formal education and they have and still are doing well. The fact that women had

been suppliers of farm labour has been mentioned as the necessary experience and exposure needed in farming. Women's willingness to learn, passion for farming and their experience assist them to excel in farming despite their low literacy levels hence projects led by women were doing better than the ones led by men.

Forty-one percent (41%) of project officers who argued that women's literacy levels affected land production indicated that when introducing new techniques and skills to farmers, women struggled to catch up especially if the pace is fast. This then compels trainers to lower their pace and change the training modules in order to suit women which is time consuming and at the same time compromising deadlines to be met. It is indeed it cumbersome to train women. The project officers indicated that the inability to grasp new techniques to improve production was a barrier since the skills were needed for commercial farming. Since commercial farming involves access to markets, most women with low literacy levels will struggle to access them due to the cut-throat nature of markets. One of the requirements for one to survive in commercial farming is said to be financial literacy which most women do not have and are struggling to grasp. One project officer is quoted saying,

“the fact that a woman is not educated affects her confidence, she doubts herself and thus cannot survive in the agricultural world because she is not taken seriously. Men survive because they have confidence even though they may have low literacy levels. It goes with just being a man”.

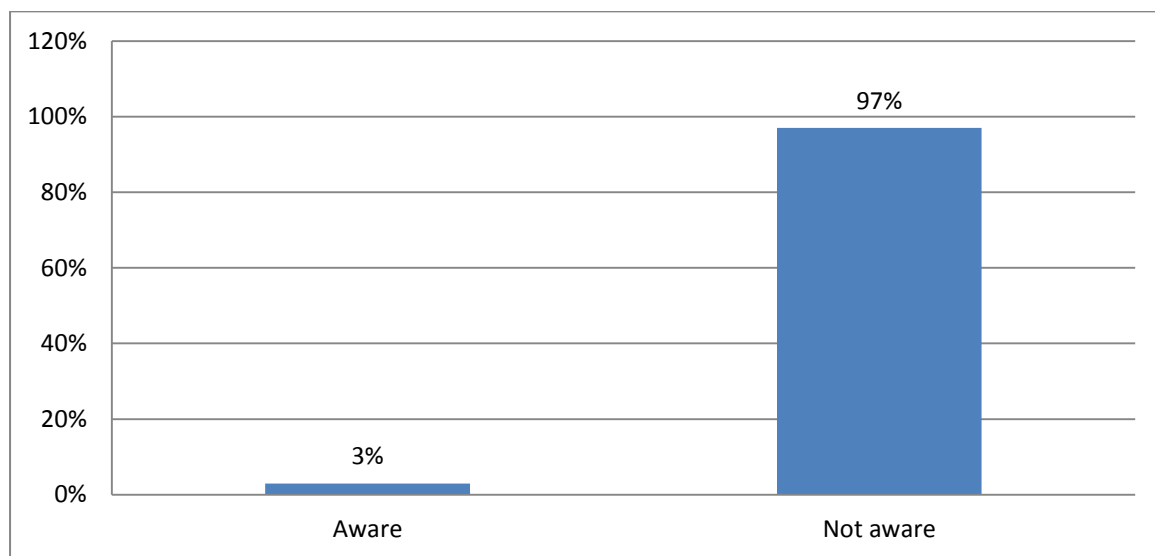
The arguments presented by project officers tally with what has been documented in terms of patriarchy having an impact on women's literacy levels as it is said to favour boy children's education than girls (*Supra*: 38). The assumption of education favouring boy children is not through-out the continent. In Lesotho it is argued that boy children are not favoured like girl children with regard to education. In Lesotho boys have to take care of family livestock whilst girl children go to school. The results of the study thus confirm that women's low literacy levels do have an impact on improvement of land production.

7.2.2.10 Awareness of women's productive and reproductive roles

Women's reproductive roles such as taking care of families, fetching water and firewood are said to disadvantage women from entering and participating in the

broader economy as they spend more time doing unpaid work in comparison to men (*Supra*: 41). Women’s roles are defined in along the lines of motherhood, domestic work and child rearing (*Supra*: 64) which may affect how extension officers offer services to them. The question was asked in order to probe awareness of the roles women play and how these roles impact on women’s ability to participate in the economy. Women’s reproductive roles are also said to be a cause of the biasness of project officers towards women because it causes women to be regarded as unreliable since they are not always available to do farm work.

Figure 13: Project officers’ awareness of women’s productive and reproductive roles



To determine awareness of women’s productive and reproductive roles, project officers were asked what they have done to take into account women’s productive and reproductive roles. A total of ninety-seven (97%) project officers do not consider women’s reproductive and productive roles when rendering services to them and this includes female project officers as well. This is in comparison with only three percent (3%) project officers who indicated that some stakeholders that the Department of Rural Development and Land Reform work with such as the sugar industry do take into consideration women’s reproductive roles when giving support to them. They have thus built crèches and day care centres in areas where they have farmers feeding sugar cane into their corporation which is TSB in Malalane. TSB falls within the Nkomazi Municipality in the Ehlanzeni District. The availability of crèches and day care centres allows women to spend more time at work without worrying about the care of their children and that improves land production.

Project officers who indicated that women's reproductive and productive roles were not considered when services were rendered stated that their responsibility is to facilitate land productivity. They are more concerned with meeting targets than paying attention to reproductive roles. They also cited the lack of policies that guide them on how to consider reproductive roles of women. The results of the study confirms that the lack of participation of women in structures that deal with the development of gender sensitive policies plays a role in the difficulties of women to participate in the economy and also at political level (*Supra*: 47). The involvement of women will enable them to articulate their needs.

It can then be stated that even educated women such as the project officers that took part in the survey were not aware of the importance of considering women's reproductive roles and how they impact on land productivity. They may be aware of the reproductive roles but may be compelled to overlook them as not important due to their work load and the targets they have to meet. Considering women's reproductive roles may compel project officers to work in a slow pace due to the unavailability of facilities that should assist women with their reproductive roles such as day care centres for children and health care facilities nearer to where women farmers are located.

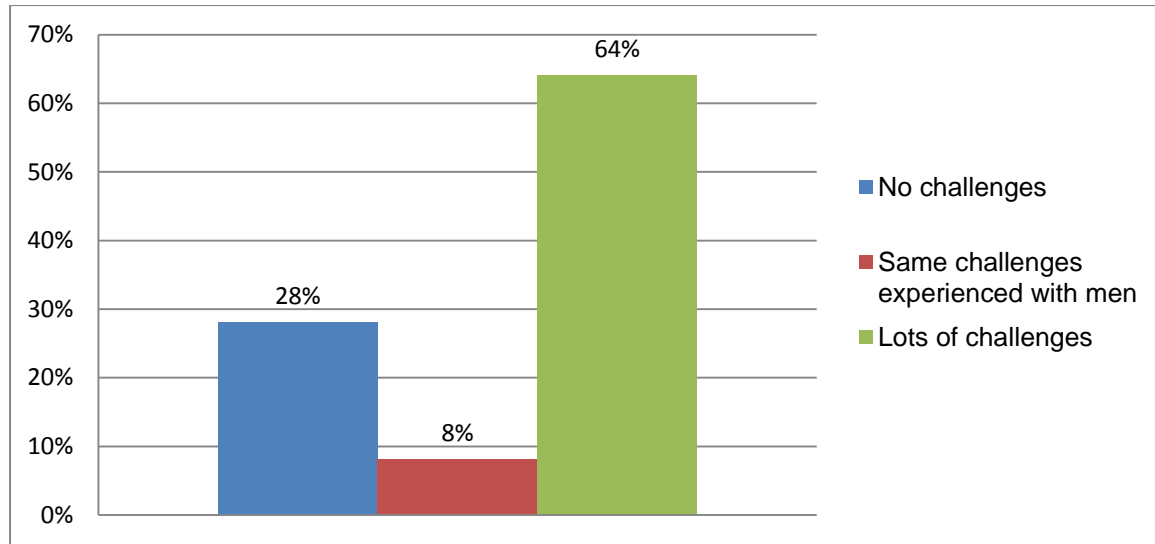
The findings in this study confirm that extension services do not take into account women's reproductive work as argued by the literature (*Supra*: 49). This simply implies that training should take into consideration women's literacy levels, distance from their homes and health care facilities. Women should not be taken away from their families for longer periods. If possible training can be offered within the communities where the women are staying rather than at a venue that is far from their communities. The results of the study thus confirm that women's reproductive and productive roles are not taken into consideration when planning activities that include women which serves to subordinate women further.

7.2.2.11 Major challenges faced by project officers when working with women

The patriarchal order according to literature is said to create dependency for women whilst fostering a sense of autonomy for men (*Supra*: 42). Project officers were asked to indicate challenges they faced when working with women in order to

determine patriarchal biasness towards women, awareness of women's reproductive roles and also to assess whether women had different challenges compared to men.

Figure 14: Challenges faced by project officers when working with women



Twenty-eight percent (28%) of project officers indicated that they face no challenges when working with women, eight percent (8%) said the challenges they face when working with women are the same challenges experienced with men whilst sixty-four percent (64%) argued that they experience a lot of problems when working with women. The latter cited gossiping which is said to be rife amongst women with low literacy levels, the low literacy levels and the mood swings as making women a difficult group to work with. They also cited low level of self-confidence which affected women's decision making capabilities because they always had to consult their men with every decision even though the men are not part of the farm. The outcome of the study support what is mentioned by project officers because patriarchy is also said to play a role in the socialisation of girl and boy children where boys are socialised to be independent and girls to be dependent, hence women lacking confidence and having to consult men with regard to decisions about their projects (*Supra*: 42). Project officers argued that women subordinated themselves due to their inability to make decisions independently. Older women were cited as more problematic as compared to younger women. The findings of the study also confirm the impact of low literacy levels on women and the impact it has on the participation of women in economic activities (*Supra*: 40). The fact that project officers are reluctant to work with women has also been proven correct as a large

number of project officers indicated that they experience a lot of problems when working with women than men. Since most of the project officers who took part in the study are females, it can then be confirmed that the social order of society that compels women to be subordinated has been ingrained in women's psyche that they have internalised it as the correct way of doing things and thus end up perpetuating patriarchal tendencies without question (*Supra*: 36).

7.3 DATA GATHERED FROM WOMEN WHO HAVE ACCESS TO LAND WITHIN THE DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

Data was collected through semi-structured interview schedule from forty-seven (47) women who have accessed land within the Department of Rural Development and Land Reform. Before collecting the data, permission was sought in writing from two Chief Directors from the Land Claims Commission and from the Provincial Shared Service Centre and permission was also given in writing for the researcher to conduct the study. Permission was also sought from the women who have access to land within the department to participate in the study and those who volunteered to participate in the study most of them were assisted to answer the questions on the interview schedule. The majority of the women (57%) had low literacy levels because they had acquired between grades 1-7 and requested that they be assisted to answer the questionnaire. The semi-structured interview schedules were administered to women who have accessed land within the Department of Rural Development and Land Reform in all three districts, which are Ehlanzeni, Nkangala and Gert Sibande. Data was collected from the 1st to the 31st August 2015. The semi-structured interview schedule had five sections, the first section was on biographical information, the second section had five questions probing the nature and extent of land ownership by women, the third section had six questions and probed women's knowledge of legislative framework governing land ownership, the fourth section had six questions and probed the impact of access to land on the economic status of women and the last section had five questions and probed challenges faced by women in accessing land in South Africa. Data from the semi-structured interview schedules was read and the researcher made notes of emerging themes and also made summaries of each interview discussion capturing opinions, attitudes and perceptions. Information collected from women who have accessed

land within the Department of Rural Development and Land Reform is presented and analysed as follows:

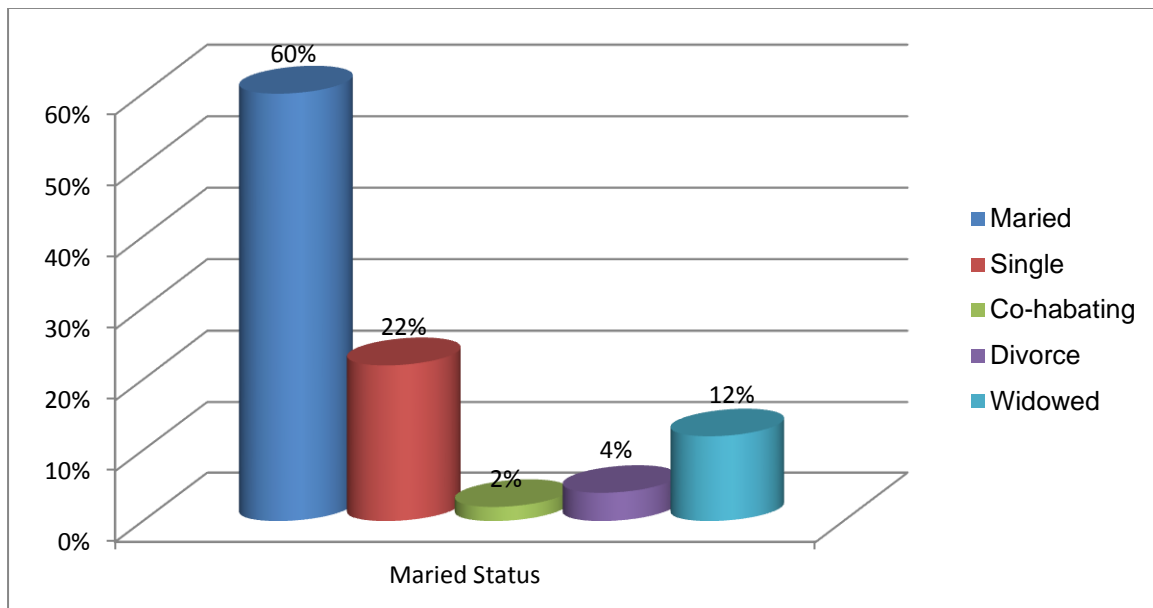
7.3.1 Biographical information

Under biographical information, the respondents' marital status, nature of marriage, educational level, age group and years of land ownership was gathered and analysed. The purpose of obtaining biographical information from women who have access to land within the Department of Rural Development and Land Reform is to ascertain whether it is single or married women who have access to land, to investigate whether the women were experiencing problems due to the nature of their marriage as literature indicates that single women find it difficult to access land and that widows suffer from land grabbing by their male relatives or have cultural practices such as "wife inheritance" imposed on them (*Supra*: 12). Women with low literacy levels are said to also have difficulty in accessing land as compared to women with high literacy levels who are said to have knowledge of their property rights (*Supra*: 12) hence the importance of obtaining information on the literacy levels of women who have accessed land in the department.

7.3.1.1 Marital status

The rationale for probing the marital status of women who have access to land was to determine whether the type of marriage determined women's access to land and support they got from their spouses. According to perused literature cultural traditions do not allow women to own land because men are regarded as heads of households and not women (*Supra*: 14). Literature also alleges that female headed households are less likely to have access to land and extension services (*Supra*:14). The aim of probing the marital status was to investigate the category of women who have access to land.

Figure 15: Respondents' marital status



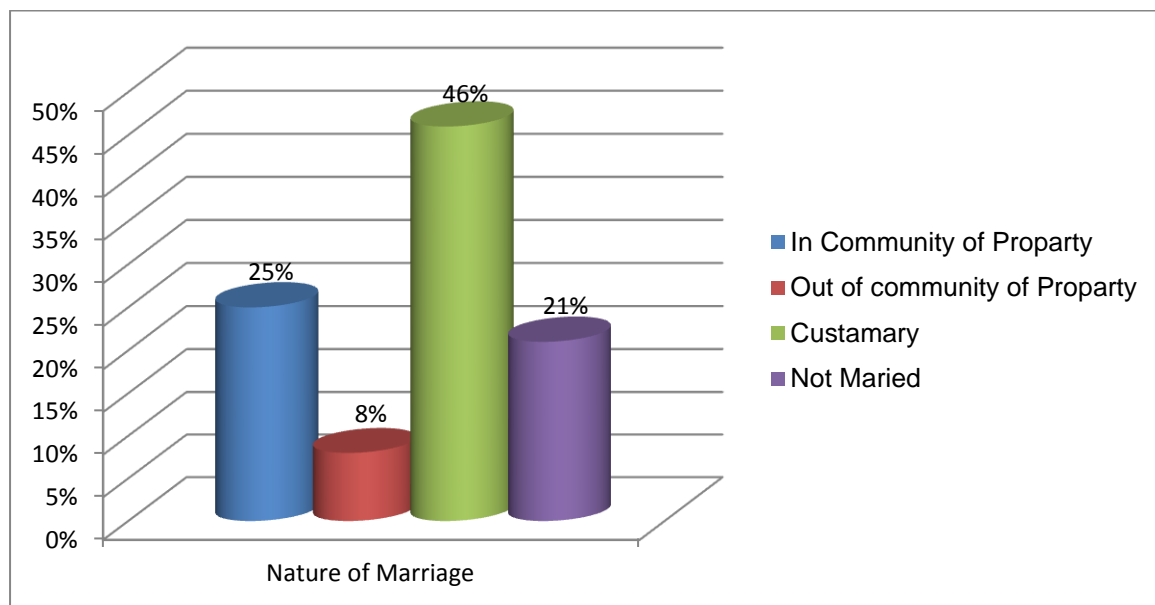
The findings of the study indicates that a large number of women (60%) who participated in the study were married, twenty-two percent (22%) were single, two percent (2%) were cohabiting, four percent (4%) were divorced and twelve percent (12%) were widowed. The results of the study then negates what literature says about women not having access to land because they are not regarded as heads of households since most of the women who have access to land within the department are married. It suffices to assume that the decision to apply for land was a joint decision between husbands and wives and if the husbands did not want their wives to apply for land they would have applied for land themselves instead of letting their wives do so. This then indicates that the women who have access to land are supported by their husbands in running the farms.

7.3.1.2 Nature of marriage

Most African tradition such as the patrilineal communities of Malawi who practices *chitengwa* dictates that husbands are heads of the households and an elder son holds a higher position to that of his mother due to him being a male and thus regarded as an heir. Should a woman get divorced or widowed; the elder son gets access to the land. If a woman is widowed and has not given birth to a son, chances are she will either get expelled from her land or “inherited” by other male relatives to keep the land in the hands of the clan (*Supra*: 39). Information on the nature of

respondents' marriage was thus gathered to determine the women's security of tenure and the type of marriage they have entered into. The question was also used to probe whether what literature alleges was also applicable in South Africa, especially in the area under study which is the Mpumalanga Province.

Figure 16: Respondents' nature of marriage

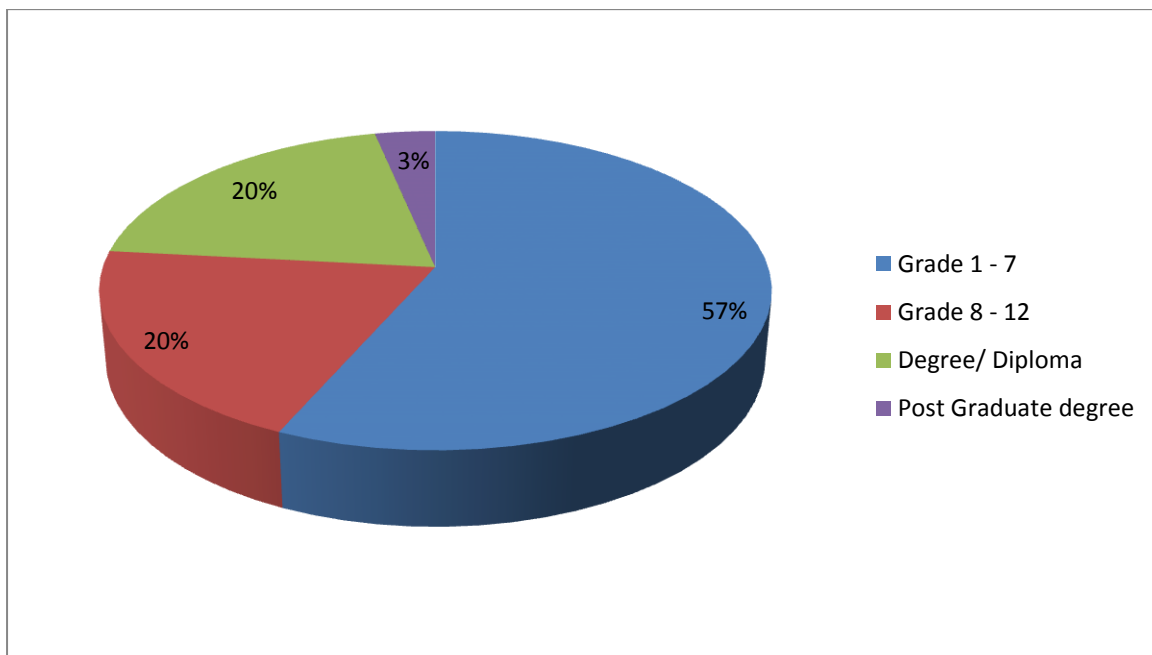


The graph above indicates that twenty-five percent (25%) of women were married in community of property, eight percent (8%) out of community of property, twenty-one percent (21%) were not married and forty-six percent (46%) were customarily married. The notion of land grabbing by male relatives during divorce or widowhood cannot be proven in this instance because the land the women have access to in this study mostly belong to government. A majority of women accessed land through the Proactive Land Acquisition Strategy which involves leasing land from government for a period of thirty (30) years. Since nobody has title deed to the land they are leasing except for the government, women cannot be evicted by anyone, let alone husbands or male relatives from the land they are leasing. This type of leasing thus offers tenure of security for women. My perception of the findings here is that almost all participants are married in a reasonable way. It is only twenty-one percent (21%) of women that are not married. All these nature of marriages suggest a sense of responsibility for the women irrespective of the nature of marriage.

7.3.1.3 Educational level

According to literature perused, most rural women have low literacy levels which exposes them to human rights violations, lack of information on how to access land and other productive resources. It is argued that women who have higher literacy levels have more bargaining and decision-making powers than those with low literacy levels (*Supra*: 46). Information on the educational level of women who have accessed land was gathered in order to determine knowledge of rights which determines knowledge of information on access to land and resources to assist in cases of human rights violations such as land grabbing. Information on the educational level of respondents was also asked to determine the educational level of women who are likely to access land. Below is a presentation of the results of the study in terms of the educational level of women who have accessed land within the Department of Rural Development and Land reform in Mpumalanga Province:

Figure 17: Educational level of respondents



The results of the study indicate that a large number of women (57%) have only obtained grade 1-7, twenty percent (20%) obtained grades 8-12, twenty percent (20%) have degrees or diplomas and there was three percent (3%) of woman who post graduate degrees. The findings of the study then confirm that most rural women have low literacy levels which may have an effect on how they access

economic resources (*Supra*: 40). This is also supported by the findings from the majority of project officers who indicated that women's literacy levels had an impact on them improving their land production. They said women struggled to learn new skills and techniques which is a barrier that affected their move from subsistence to commercial farming. The findings of the study on the other hand negates what has been alleged by literature that women with low literacy levels have less chances of accessing land due to lack of knowledge on land rights. As much as women with high literacy levels have better bargaining and decision-making powers, so do women with low literacy levels who have access to land. Access to land is said to improve women's bargaining and decision making powers both within and outside households (*Supra*: 47). Even though a majority of women who participated in this study have low literacy levels, access to land has improved their bargaining and decision making powers especially at household level.

The likelihood of projects belonging to women who have low literacy levels graduating from subsistence farming to commercial farming however is very low. As one project officer indicated,

“the fact that a woman is not educated affects her confidence, she doubts herself and thus cannot survive in the agricultural world because she is not taken seriously. Men survive because they have confidence even though they may have low literacy levels. It goes with just being a man”.

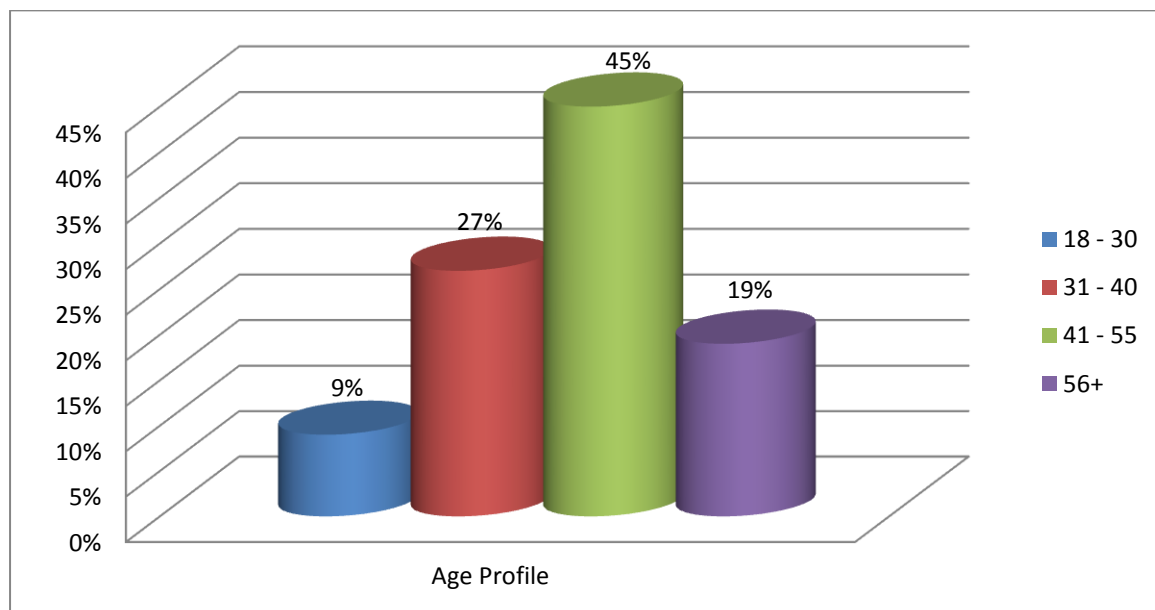
Part of being a commercial farmer is that one should have access to markets and that involves high literacy levels because of contracts that have to be entered into. This will be difficult for women with low literacy levels to comprehend hence most women would rather remain at the level of subsistence farming, unless they have educated children and husbands or project officers that will assist them. The fact that men are viewed as having confidence by project officers may be another form of biasness towards women land owners as they may be viewed as lacking confidence and not much effort channelled into assisting them.

7.3.1.4 Age profile

The purpose of this variable was to determine the age group of women likely to access land within the Department of Rural Development and Land Reform. This

helps to determine the generation that is more interested in accessing land and also openness to learning new agricultural technologies. Each generation has distinct attitudes, behavior, expectations, habits and motivational buttons. This in turn has a bearing on how women are viewed in relation to land.

Figure 18: Respondents' age profile



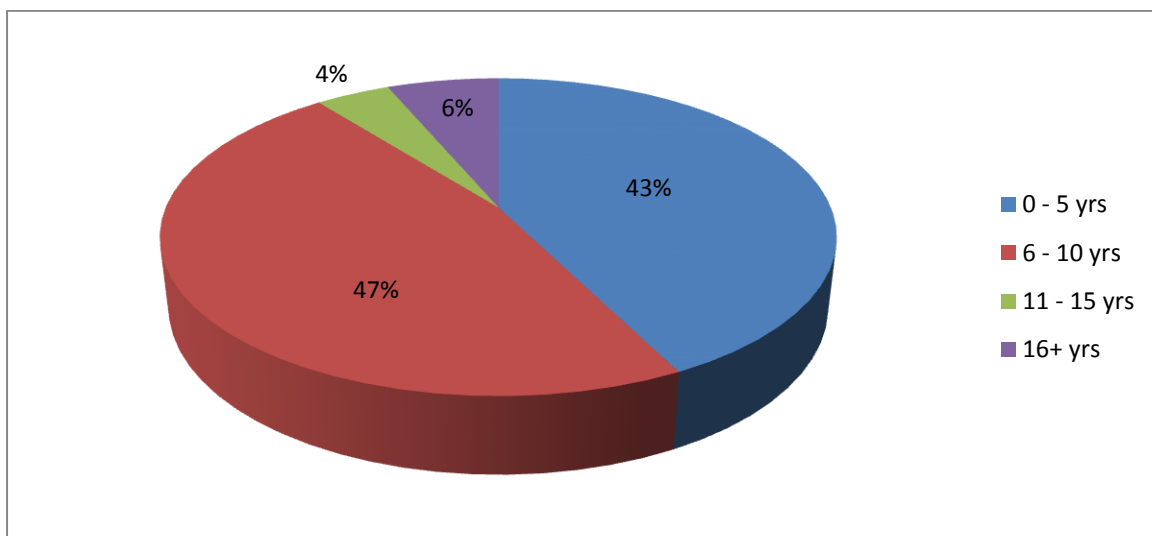
To probe the age profile of respondents, respondents' age groups were divided into four categories which were 18-30, 31-40, 41-55 and 56 and above. Nine percent (9%) women fell within the age category 18-30, twenty-seven percent (27%) between the age group 31-40, forty-five percent (45%) between 41-55, and nineteen (19%) of women were above the age of 56. Based on the findings of the study, the majority of women who have accessed land within the Department of Rural Development and Land Reform were between the age group 41-55 followed by those within 31-40 age groups. The older women are quoted as problematic to work with according to project officers when they were asked to indicate challenges they faced when working with women. The findings indicate that a majority of women who have accessed land were between the ages of 41-55 years and they represented the older group and as such confirms what literature asserts about the biasness of project officers towards women (*Supra*: 49). Project officers may prefer working with younger generation instead of the older one due to the difficulty of balancing productive and reproductive work by older women. Due to the scourge of HIV and AIDS, women in this age category may also be juggling taking care of

grandchildren or sick children and thus may be struggling to dedicate much time to farm work.

7.3.1.5 Years of land ownership

The rationale for probing for years of land ownership by women was to determine the productiveness of the accessed land, access to markets and the extent in which women's economic status' have changed due to access to land. According to perused literature, women's access to land offers security both socially and in monetary terms (*Supra*: 47) because it elevates their position in society and they are able to take care of their families by contributing to household income. It is also said that women are to participate equally in decision making both within households and outside. The years of land ownership also assist in gauging the readiness of women to move from subsistence farming where they are only focused on meeting basic needs to commercial farming.

Figure 19: Period of land ownership by women



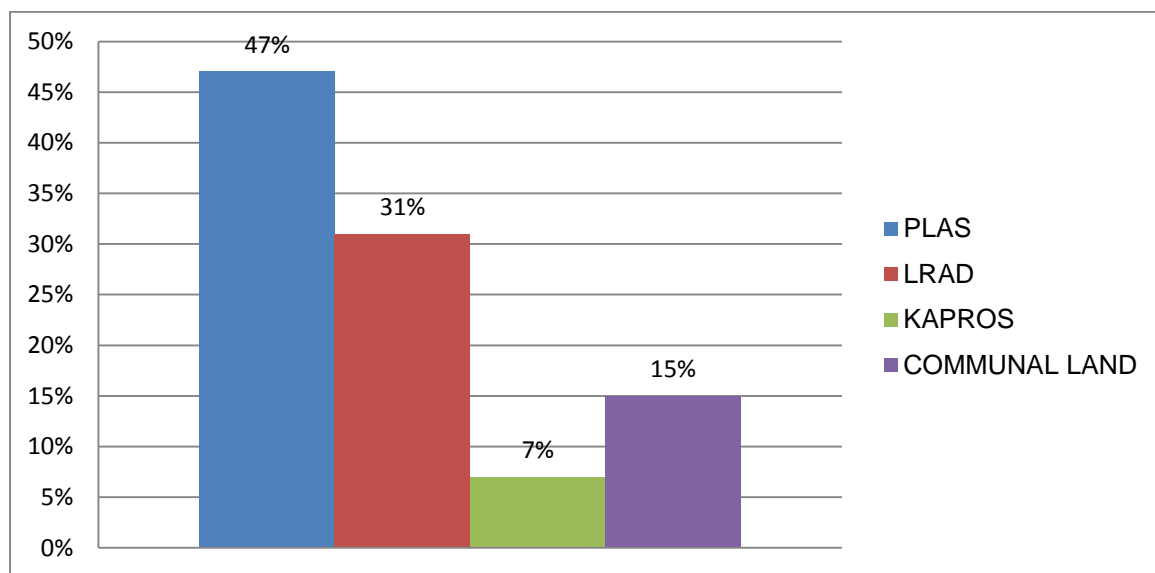
There were more women who have had access to land between 6-10 years (47%), followed by forty-three percent (43%) of women who have had access to land between 0-5 years. The least years that women have had access to land for a long period were the years 11-15 years (4%) and six percent (6%) of women who had access to land for more than 16 years. All the women who have had access to land for more than sixteen (16) years got land through Kapros programme. Kapros property was bought by the former KwaNdebele government for people who were

staying on farms and were subdivided into small units to accommodate those people. The period of land ownership also determines the extent on which a person can begin to generate profit from the farm. In essence, based on the results of the study, the majority of women (47%) should have started generating profit from the farm production which unfortunately is not the case due to issues such as inability to access markets by women, lack of access to credit and the fact that they were still ploughing back profit gained back into their farms. When asked whether they were generating profit from the land allotted to them sixty-four percent (64%) said they were not.

7.3.2 Nature of land ownership

To determine the nature of women’s land ownership, the respondents were asked to indicate the programme in under which they were able to access land. Land within the Department of Rural Development and Land Reform is accessed through programmes such as the Proactive Land Acquisition Strategy (PLAS), Land Redistribution for Agricultural Development (LRAD) and Kapos. Some of the women who participated in this study accessed communal land which is in the care of Traditional Leaders.

Figure 20: The nature of women’s land ownership



Forty-seven percent (47%) of women accessed land through PLAS programme, followed by thirty-one percent (31%) who accessed land through the LRAD programme, seven percent (7%) through Kapos and fifteen percent (15%) had

access to communal land. The nature of land ownership has an impact on how agricultural inputs such as recapitalization funds are accessed by those who have access to land. It also determines women's security of tenure as those who have accessed land through Kapros, LRAD and PLAS had legal documents in a form of lease agreements whereas women who have had access to communal land had no lease agreements or title deeds. The size of accessed land is also determined by the nature of land ownership as those who access communal land can only have one (1) or two (2) hectares of land in comparison to the other programmes such as PLAS where one can have access to up to 500ha of land. The findings of the study then indicate that a majority of women who have accessed land which is through the PLAS programme had a security of tenure because even though they do not have title deeds but lease contracts, they are able to access credit to enable their farms to be productive.

7.3.3 Period of lease

Women who were leasing land were asked to indicate how long they are leasing the land they are occupy in order to determine tenure of security. Leasing land for a short period increases insecurity of tenure as land may be taken away before it has any impact on the life person of the individual leasing land. Unlike other forms of business, land takes longer to yield profit depending on the type of farming commodity. Farm owner spend the first few years of their farming ploughing back profit gained back into the farm. There are also natural disasters such as drought, frost and hail that may destroy crops and affect a year's production.

The lease for the women who have access to land through PLAS (47%) and Kapros (7%) is now extended to a thirty (30) year lease instead of the previous five (5) year lease. The previous lease for women who accessed land through Kapros ranged from seven (7) to thirteen (13) years. Thirty-one percent (31%) women who accessed land through LRAD and those on communal land (15%) have no lease agreements because the type of land they occupy does not require a lease agreement. Women on LRAD bought the land they occupy with the assistance of government. Those on communal land paid a cow for the one (1) to two (2) hectares of land however that does not translate to ownership as the land is still under the management of local Chiefs and there are no title deeds for communal land.

7.3.4 Conditions attached to land ownership by women

Respondents were asked if there were conditions attached to their land ownership and the responses given indicated the various conditions that have been set as conditions on the lease agreements based on how the land has been accessed. The conditions range from not subleasing or selling allotted land, payment of rent, using the land according to the commodity it is meant for, not endangering fauna and flora to not increasing allotted land without the approval of authorities.

7.3.4.1 Proactive Land Acquisition Strategy (PLAS)

The Proactive Land Acquisition Strategy is a process whereby the state proactively purchases land with a high agricultural potential. The Department of Rural Development and Land Reform then selects beneficiaries who can lease the land with an option to buy it. PLAS focuses on the poor members of community. Forty-seven percent (47%) of women who got land through Proactive Land Acquisition Strategy (PLAS) programme said they are not allowed to sublease, they are expected to pay their rent annually which is calculated based on the size of the land, they must use the land according to the commodity it is supposed to be used for, i.e. if the land is for grazing it must be utilised solely for grazing, they must protect endangered fauna and flora, and any development on the land must first be approved by the Department of Rural Development and Land Reform.

7.3.4.2 Kapros

The three (3) women who accessed land through Kapros said the only condition set to their land ownership was that the land was supposed to be used for the commodity it is meant for. Kapros property was bought by the former KwaNdebele government for people who were staying on farms and were subdivided into small units to accommodate the people. They are either individually or group owned through co-operatives. The size of the land ranges between 150 to 2500 hectares. They also pay rent annually which is calculated on 5% of their net income. The Department of Rural Development and Land Reform is now managing Kapros units and the same requirements that apply to PLAS applies to Kapros.

7.3.4.3 Land Redistribution for Agricultural Development (LRAD)

Those who accessed land through LRAD programme (15) indicated that selling of land is discouraged, however if they want to sell the land they must first reimburse government for its financial contribution. The Land Redistribution for Agricultural Development programme's requirement was that those who wanted to buy land were required to contribute something to the purchase price which ranged from R5 000.00 to R405 000.00 either in cash or kind. It allowed both men and women to buy land. Most families who got land through LRAD are not making enough money to pay back government as most of the land bought was huge in order to accommodate families and communities. Government's stance however, to discourage selling of land has good intentions because future generations of the families for which land was bought for will be able to use the land instead of taking money that can be wasted and thus thwart government's effort to give people land.

7.3.4.4 Communal Land

The seven (7) women who acquired land from Chiefs on communal land said they were not allowed to increase the size of their land without the approval of the Chief. Their children are also not allowed to farm on land without applying from the Chief and paying a cow just like they did. The women indicated that the condition was detrimental to their growth as they had children and that means the household was growing and having more people to feed. The allotted one to two hectares was thus not sufficient in the long run. The requirement of paying a cow for the land allotted was also said to be costly as most households did not have livestock or money to pay for more land.

7.3.5 The impact of conditions attached to land ownership by women

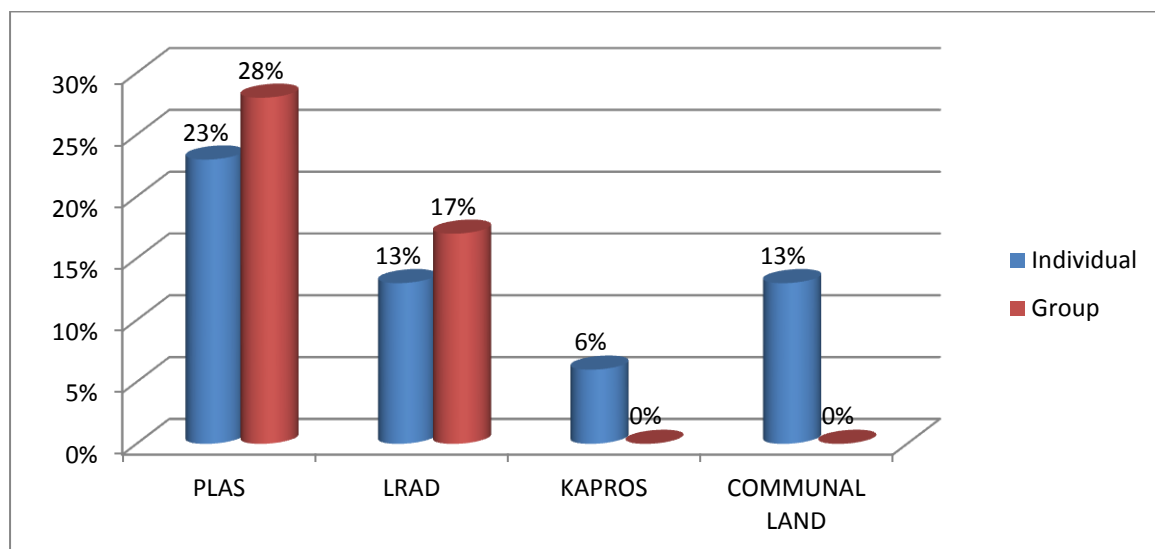
In responding to a question to probe the extent of the impact of conditions attached to land ownership by women, forty (40) of the women argued that the conditions set that they are not allowed to sublease were not developmental towards women's land ownership because the government was said not to be doing enough to assist them to access finance so that they can start their own farming. Seven (7) of the women who got communal land indicated that their tenure was insecure because land allocated to them may be taken away for business or housing development by the

Chiefs who are custodians of land. The response from the women who accessed communal land even though they are a very small number, tallies with what has been indicated in the perused literature that most women are said to have use rights instead of control rights which increased their insecurity of tenure because the use rights can be taken away at any moment (*Supra*: 1). All the women who took part in the study do not have ownership rights but use rights as the land they utilise does not belong to them. The only difference is that those who accessed land through Kapros and PLAS have longer leases than it was previously. The sample for women who have access to communal land who took part in the study may be small but the women represent the majority of women in rural areas who most of the time can only have access to communal land. Their tenure of security is more insecure due to the clandestine access to land; they indicated that their use rights may be taken away for housing or business developments. Having long leases enables women to plan for longer periods and enhances their chances of success in farming than if they have short leases.

7.3.6 Composition of land ownership

Land within the department is either accessed individually or as a group which are referred to as cooperatives. The respondents were asked to indicate whether the land their access to land was individually or group owned in order to determine the composition of land ownership within the province by women.

Figure 21: The composition of land ownership by women



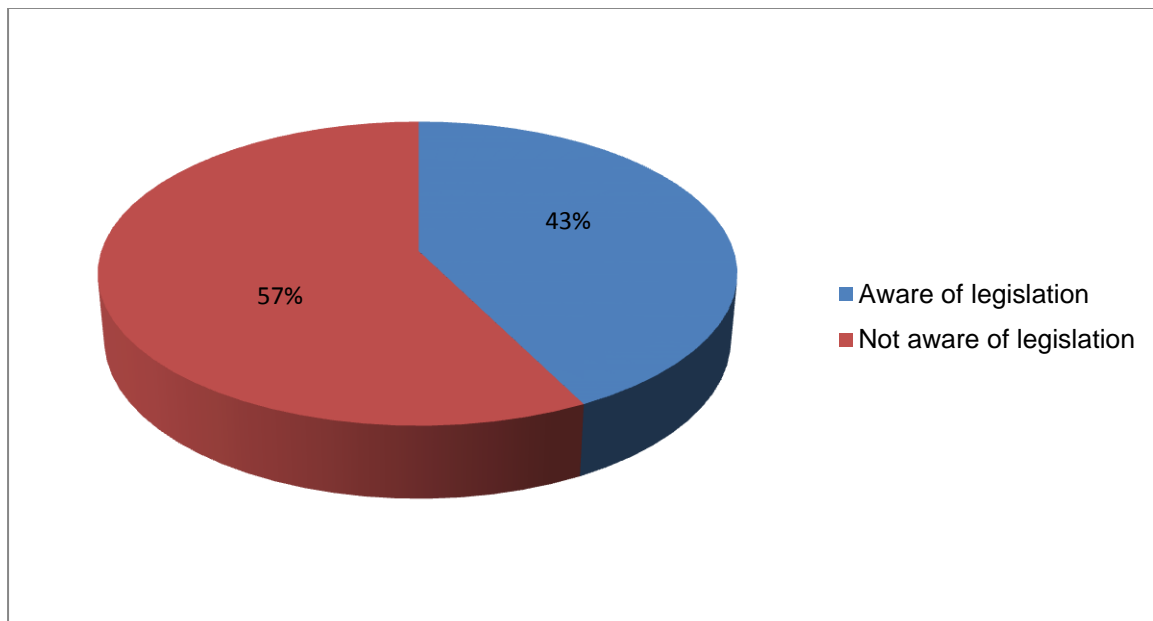
The findings of the study indicate that twenty-three percent (23%) women lease land individually through PLAS whilst twenty-eight percent (28%) form parts of co-operatives, seventeen percent (17%) women who accessed land through LRAD formed part of co-operatives whilst thirteen percent (13%) women are individual land owners. Those on communal land (13%) have accessed land individually. Women who accessed land through Kapos (6%) do so on an individual basis. Based on the results of the study as per Figure 20 above, there are more women who form part of co-operatives within PLAS and LRAD.

The findings confirm that the majority of women accessed land by forming co-operatives. Group dynamics within co-operatives may be the cause of how women are viewed by project officers because women are regarded as gossipers and that there is a lot of in-fighting within women led projects. Men may be viewed differently because most farms led by males are individually owned as compared to women. It thus becomes important that women's farms be monitored more often so that they are assisted to deal with group dynamics. It is also imperative that women be empowered in terms of conflict resolution skills so that they address their problems before project progress is affected.

7.3.7 Awareness of legislation governing land ownership

Respondents were asked if they were aware of any treaties that the South African Government is signatory to which advocated for the rights of women and equality in terms of equal access to resources such as land. According to literature, the lack of awareness of rights by women makes it difficult for women to fight for the implementation of their rights (*Supra*: 101). The question was asked in order to probe awareness of legislation governing land ownership in South Africa and internationally.

Figure 22: Women's awareness of legislation governing land ownership

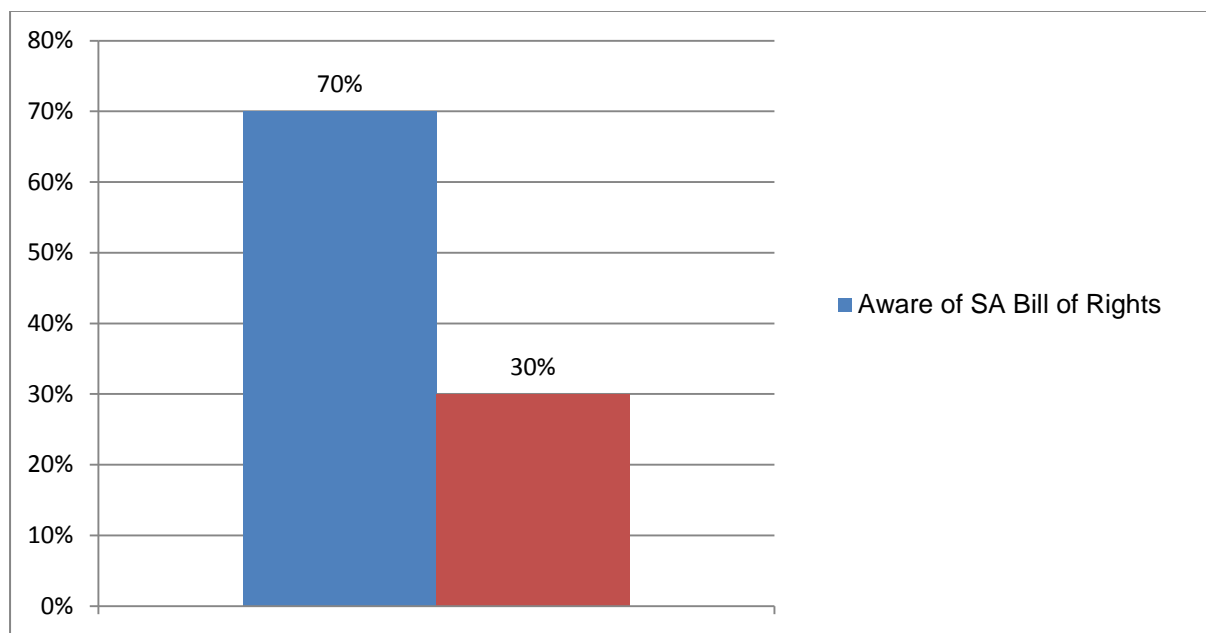


Fifty-seven percent (57%) of the women indicated that they were not aware of the legislation governing land ownership whereas forty-three percent (43%) were aware of such legislation. The forty-three percent (43%) women who said they were aware of legislation were able to give examples of a legislation that governs land ownership and they cited the Beijing Platform of Action as an example. According to perused literature, most women have no idea of any legislation that governs land rights and that has an impact on them being able to access land. The response from the majority of women who showed no knowledge of legislation with regard to land ownership confirms literature's assertion (*Supra*: 166) because the majority of women did not know they have land rights. It is of importance to note that even though the women were aware of the Beijing Declaration, they could not explicitly indicate articles of the declaration that specifically talks to issues of access to land by women. What they said was that the Beijing Declaration indicated that they have equal rights in everything just like men. They indicated that they heard of the "rights" from the radio and community meetings. The low literacy levels of the respondents may be a factor in terms of them understanding articles that speak to land rights and also other rights as stipulated by the Beijing Declaration.

7.3.8 Knowledge of the South African constitution's Bill of Rights

To probe knowledge of the South African Constitution, respondents were asked if they were aware of the South African constitutional dispensation with regard to equality of both sexes under the Bill of Rights. According to perused literature, most women have no idea of any legislation that governs land rights and that has an impact on them being able to access land (*supra*: 101). The question was asked to determine if women knew their own constitution with regard to gender equality.

Figure 23: Women's awareness of the South African Constitution's Bill of Rights



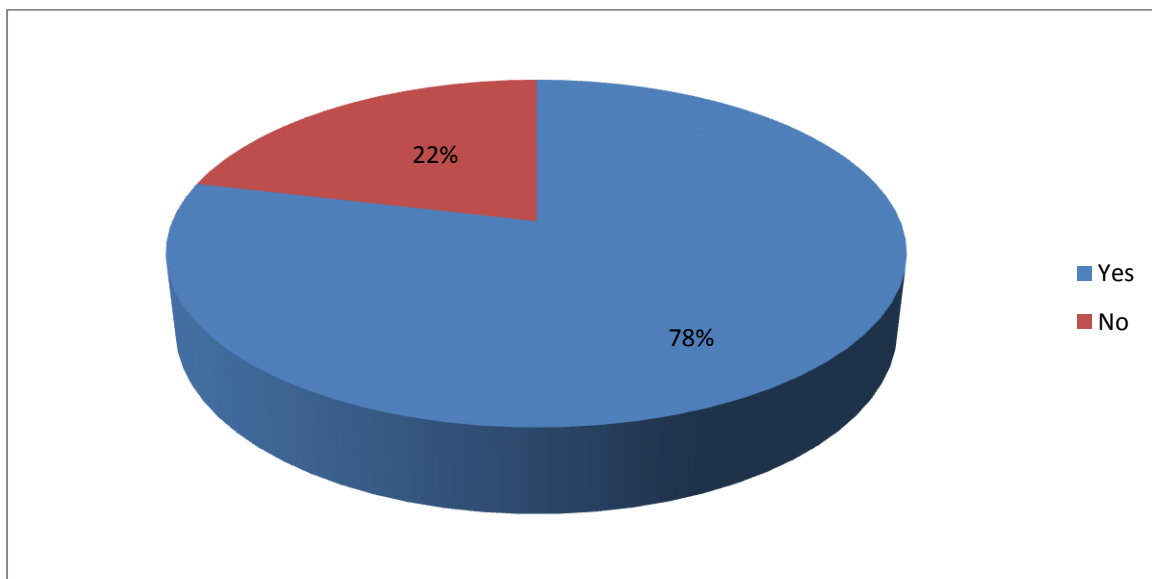
Seventy percent (70%) of the women who responded to the question said they were not aware of the Bill of Rights. Thirty percent (30%) said they were aware of the Bill of Rights in the South African Constitution 1996 and had heard about it from the radio, whilst others said from television and others said they heard about it from meetings in the community. They however indicated that they were not aware of a clause that specifically talks to equality in terms of access to land. The findings of the study confirms that a large number of women (70%) were not aware of equality clause as contained in the Constitution of the Republic of South Africa 1996. The lack of knowledge of rights thus affirms assertions by literature that most women were not aware of legislation especially on land ownership (*Supra*: 166). Knowledge of human rights is a big step toward women demanding the implementation of their

human rights and it also paves a way for them to be able to articulate their rights. It can then be stated that Mpumalanga Province women who have access to land within the Department of Rural Development and Land Reform are not aware of the equality clause as contained in the South African Constitution under the Bill of Rights. The lack of knowledge of rights can also be attributed the low literacy levels of the majority of women who have accessed land within the department.

7.3.9 Awareness of South African land reform programmes

The awareness of the existence of legislation in terms of land rights is said to be a challenge at grass root level especially in rural areas where land is still governed by traditional leaders (*Supra*: 166) according to perused literature. To probe awareness of land reform programmes, respondents were asked if they were aware of South African land reform programmes on distributing land equally amongst people.

Figure 24: Respondent's awareness of South African land reform programmes



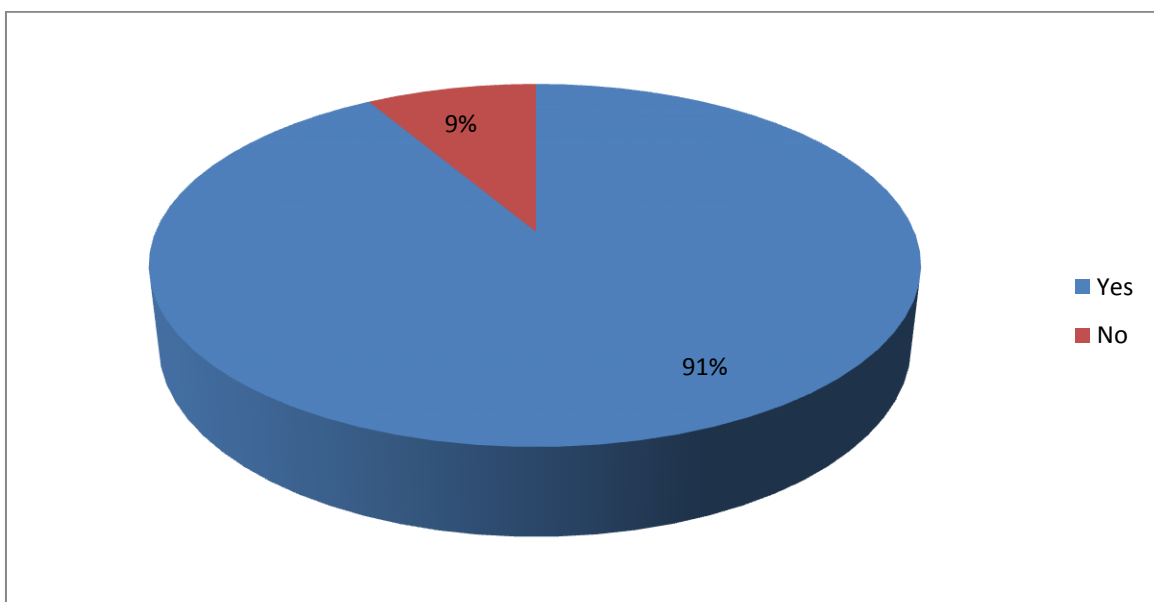
Seventy-eight percent (78%) of the women said they were not aware of South Africa's land reform programmes whilst twenty-two percent (22%) said they were aware of government's land reform programme. Judging by the high percentage of responses (78%) given by women during the study, the assertion that women are not aware of legislation governing access to land is again confirmed. The lack of awareness of legislation also translates to in- access because women are unable to access land at an equal rate with men. Women indicated that they lacked of

knowledge about the procedures to be followed when applying for land. Judging by the low literacy level shown in the results it may be difficult for women to know the land reform programme. This may be attributed to patriarchy which puts emphasis on men being custodians of land in that women may either not attend awareness campaigns or leave the attendance in the hands of men, or they may fail to comprehend the process of applying for land and other resources due to their low literacy level.

7.3.10 Awareness of restitution and redistribution programmes administered by the Department of Rural Development and Land Reform

According to perused literature some of the barriers towards women accessing land are the exclusion of women when designing programmes, lack of awareness of rights due to low literacy levels, the inability to access information on land reform programmes, gender-biased extension officers who come from patriarchal backgrounds and thus treat women unequally to men and family or cultural dynamics that discriminate against women (*Supra*: 15). To probe awareness of the Department of Rural Development and Land Reform's programmes respondents were asked if they were aware of the restitution and redistribution programmes.

Figure 25: Respondent's awareness of the restitution and redistribution programmes



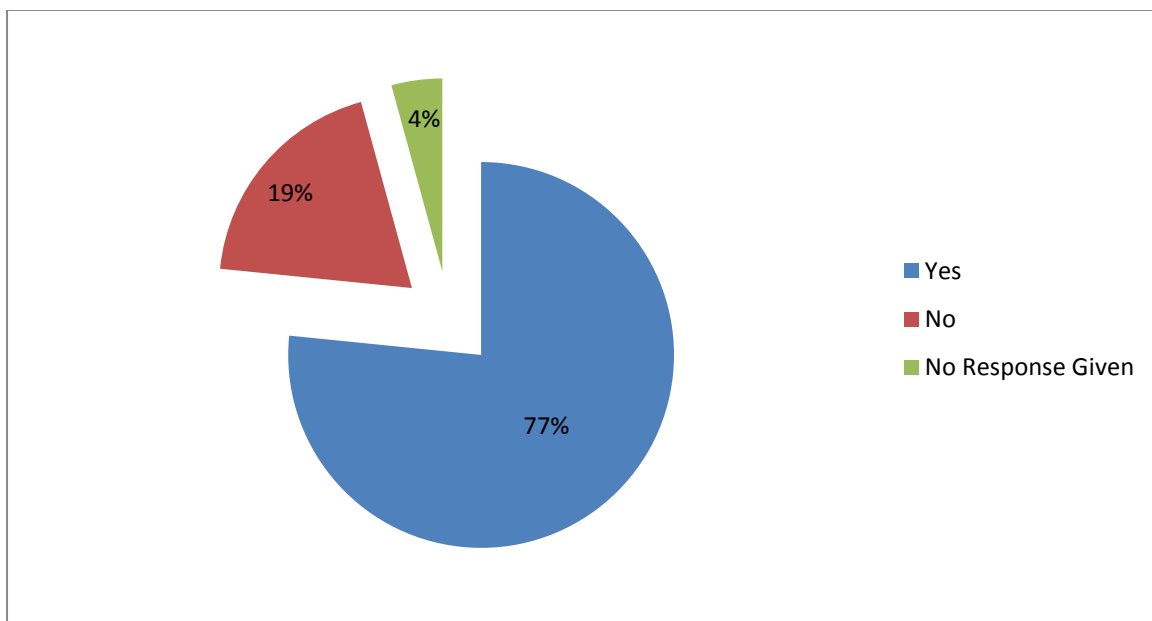
Ninety-one percent (91%) of the women said they were aware of restitution and redistribution programmes. Most of them said they heard about it from community

meetings arranged by the Department of Rural Development and Land Reform and also from the radio. Nine percent (9%) were not aware of the existence of such programmes. The lack of knowledge of land reform programmes by women is said to disadvantage them from accessing land (*Supra*: 114) however, the responses from the respondents (91%) indicate that most women are aware of the land reform programme. They indicated the radio, television and community meetings and the Department of Rural Development and Land Reform's awareness campaigns as a source of their knowledge. The only challenge as indicated before is the actual access of land by women which is said to be very low as indicated on Table 4 which profiles land ownership by province in South Africa (*Supra*: 89).

7.3.11 The impact of land reform's programmes on land ownership by women

Access to land is said to have the ability to eradicate poverty amongst women by also creating a better future for their children, offer good nutrition to their families and give women greater bargaining powers (*Supra*: 67). To probe the impact of land reform on women, the respondents were asked if they viewed the programmes as impacting positively on land ownership by women.

Figure 26: An assessment of the impact of land reform's programmes on land ownership by women



Seventy-seven percent (77%) of the respondents said the Department of Rural Development and Land Reform's programmes had a positive impact on women and

land ownership whilst nineteen percent (19%) said the programmes made no impact on them. Five percent (5%) of respondents did not respond to the question.

The seventy-seven percent (77%) indicated that compared to what used to happen previously, women now had access to land. They said access to land by women enabled them to grow into commercial farming instead of the subsistence farming women were always involved in. Literature indicates that access to land also enables women to provide food for their families and the communities they come from (*Supra*: 16). This assertion confirmed by the findings of the study in that women indicated that they are able to provide nutrition for their families. They emphasized a need for training so they can have the right skills for farming which will assist them in increasing production of their land. They however also complained about the slow pace of access to land by women which is said to be too slow. They also said women who have access are from the urban areas and a little number of women in rural areas does actually acquire land. Another problem indicated by the group is that of access to finance which is said to be very difficult for women because of the biasness of institutions that lend money and project officers who wouldn't recommend women's farms for recapitalisation funds from the government. They feel discriminated against by project officers who are said to prioritise recapitalisation funds for men than women led projects. This assertion is also supported by the response from project officers where it is confirmed that access to recapitalisation funds by women was very low as compared to men across the province. The PLUS side of access to land according to the women is the financial independence they have acquired which enables them to take care of their families. Most of them said they do not depend on men anymore as they can now survive on their own. Perused literature in this study states that access to land offers not only financial independence but elevates women's status in society (*Supra*: 47).

Nineteen percent (19%) of the women who said programmes had no impact on women and land ownership argued that land was still in the hands of men because women only accessed small sizes of land in comparison to men. The numbers of women who access land are few as indicated on Table 4 (*Supra*: 89), a notion that is confirmed by the findings of the study when women complain that the pace of accessing land is very slow. Women also complained that CPAs were male dominated and women were undermined within the CPA structures because men

were the leaders and women followers. This assertion by the women is supported by the presentation of CPA structures within Mpumalanga in Table 9. Out of two hundred and twenty-six CPA structures within the province, women occupied twelve (12) chairperson positions as compared to men who occupied two hundred and twenty (220) positions. The majority of women were elected to secretarial positions.

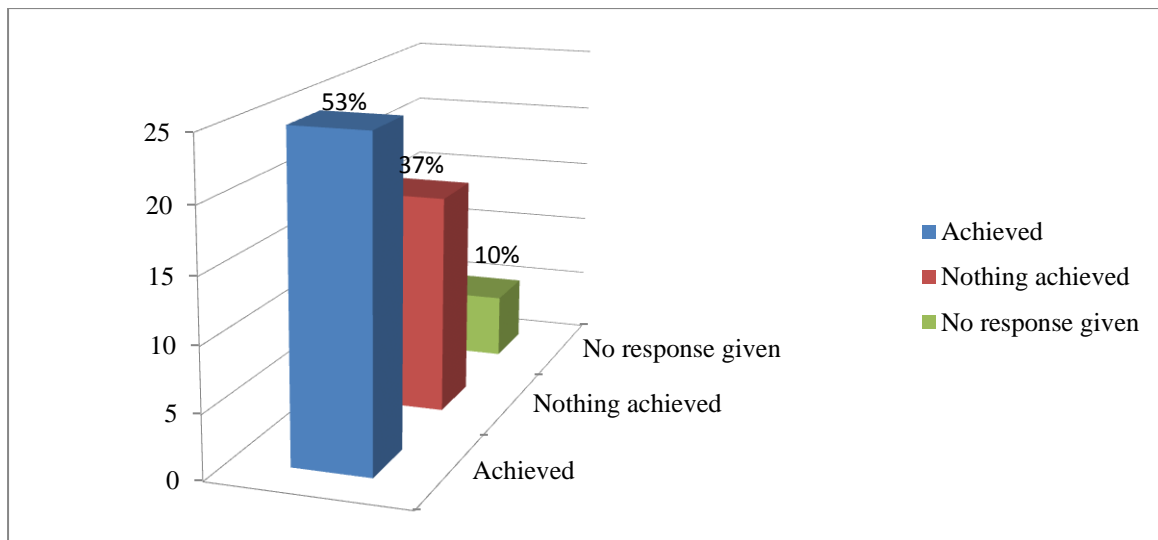
Land is regarded as a tool for rural people, especially women to eradicate poverty and hunger a statement supported by 77% of women who have access to land according to the results of the study (*Supra*: 1). The women however indicated lack of access to credit as a stumbling block to them utilising their farms fully due to lack of implements and other agricultural production necessities in order to increase production. Access to credit enables women to buy farm implements in order to increase production of their land (*Supra*: 48). The women indicated discrimination and biasness towards women by project officers in accessing the recapitalisation fund offered by the Department of Rural Development and Land Reform which is said to be accessed by males more than females. This is because males are regarded as having the ability to farm than women. Men are also regarded as custodians of land and since extension officers come from patriarchal communities, they become biased towards women and thus do not offer them extension services on equal footing with men.

The fact that land was accessed by women in urban areas rather than rural women was also mentioned which confirms perused literature (*Supra*: 46). The low literacy levels of rural women and patriarchal tendencies that control women's movements may be a contributing factor to the poor access of women to land ownership.

7.3.12 Achievements due to land ownership

The body of literature perused indicate that there is reported improvement of families' nutrition, the education of children, decrease in fertility rates and increased bargaining powers and decision making when women have access to land (*Supra*: 16). To assess women's achievements due to access to land, women were asked to indicate strides made by women who have access to land.

Figure 27: Women's achievements due to land ownership



Fifty-three percent (53%) of the women said there were achievements resulting from land ownership by women, thirty-seven percent (37%) disagreed and said women have achieved nothing through land ownership whilst ten percent (10%) did not give any responses to the question. Women who said there have been lots of achievements for women due to land ownership said they are now able to produce food and thus their families no longer go hungry an assertion supported by perused literature in this thesis (*Supra*: 16). They said they were assisting with the eradication of poverty in their households and also at community level because they were now able to create jobs and provide food for families. They mentioned the financial independence of women from this project. The women also cited the representation of women in CPAs as a positive move because it showed that women also had rights and also improved their bargaining powers within such structures and in their households. The introduction of new technology and skills was empowering them and are able to increase farm production which results in them being able to save money.

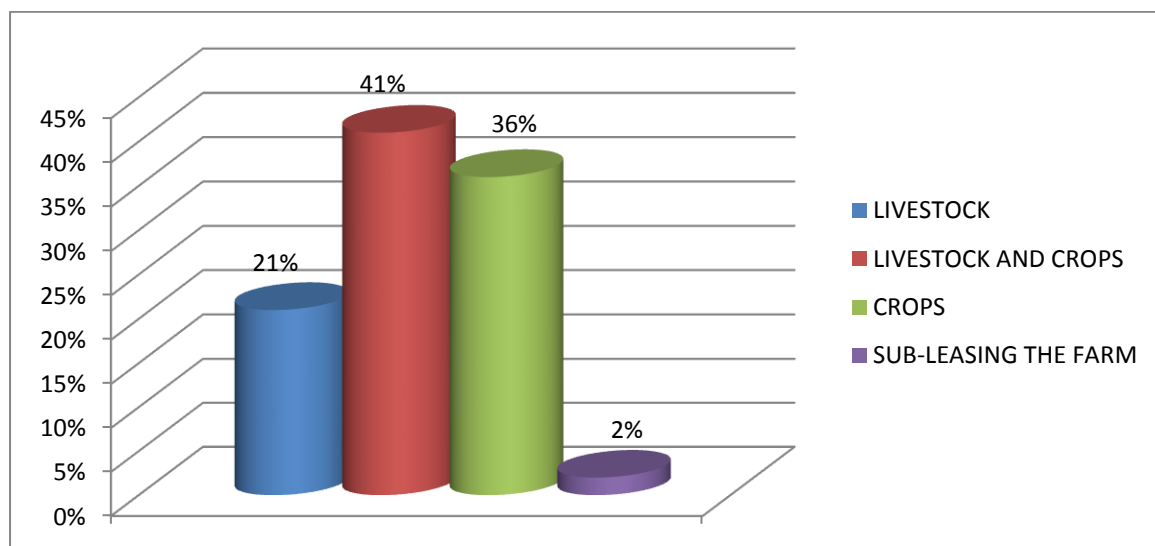
The thirty-seven percent (37%) of respondents who said they have not achieved anything through land ownership reiterated the fact that a high percentage of land ownership was still in the hand of men than women. They said when applying for land, men were considered more than women. They said a lot women who had access to land were from urban areas and women from rural areas did not have

access to land in big numbers because they were near to resources and did not have to travel long distances and also because most urban women had knowledge of land rights due to their higher literacy level. Another issue that is raised by this group is lack of financial assistance to buy farming implements which is normally received through applying for the recapitalisation fund. To be able to access recapitalisation funds a farm must be declared to be in distress. A district committee comprising of stakeholders such as the Department of Agriculture, the Municipality and other organisations make recommendations for a farm to get funding. There is however a very limited budget and farms are prioritised based on the level of distress. The problem is that it is mainly men owned farms that are recommended as compared to women.

7.3.13 An assessment of what land given to women is used for

Land usage is required for a variety of agricultural purposes. Most women use land for subsistence living, so they can product food for household consumption. According to perused literature it is women who produce half or more of the food grown in the world (*Supra*: 47). The purpose of this variable was to probe what land accessed by women was used for.

Figure 28: An assessment of what land given to women is used for



Thirty-six percent (36%) of the women are utilizing the land for planting vegetables and maize. There are few women who use the land for sugar cane and most of them are at Ehlanzeni District in the Nkomazi area as the climate is tropical and thus

suitable for sugar cane. Forty-one percent (41%) of the women were utilizing the land for mixed farming. They use the land for grazing for their horses, cattle, sheep and goats and also used the other portions of their farms for planting maize and soya beans. A small patch of their land is also kept for planting vegetables for household consumption. Twenty-one percent (21%) utilise the land solely for livestock. Two percent (2%) admitted to subleasing the farm even though it is not allowed. Lack of access to finance was indicated as a cause for subleasing the farm for a short period (a year) to facilitate the procurement of farming implements whilst at the same time providing food for families. One of the requirements for people who have accessed land through PLAS is that the land is not to be subleased to anyone. Failure to comply with the regulation leads to the termination of a lease by the Department of Rural Development and Land Reform. The findings indicate that women have potential to grow into commercial farming as long as they can have markets for their produce (*Supra*: 173). They also make a huge contribution towards household food security. Their limitations are the difficulties of accessing funding both within and outside government. The Department of Rural Development and Land Reform needs to set indicators for targeting women owned farms so they can access credit and other resources offered by the department such as training.

7.3.14 An assessment of whether women farmers have markets for their produce

Access to credit by women enables them to buy better farming equipment and other needs such as seed and fertilisers. Credit also enables women to buy better technology in order to increase their yields which positively influence their access to the markets (*Supra*: 44). The question was asked in order to determine if women had markets for their produce. Access to markets acts as a vehicle for women to grow into commercial farming.

Table 11: An assessment of the availability of markets for women

RESPONSES	NO	PERCENTAGE
There are no markets for women's produce	27	57%
There are markets for women's produce	13	27%
Produce only for household consumption	6	13%
Not utilizing the farm	1	3%
TOTAL	47	100%

When asked whether they have access to markets for their produce, fifty-seven percent (57%) of the women who have access to land indicated that they did not have markets for their produce. Only twenty-seven percent (27%) of the women had access to markets. Thirteen percent (13%) farm for household consumption only and three percent (3%) did not utilize the farm because it was subleased it to other people.

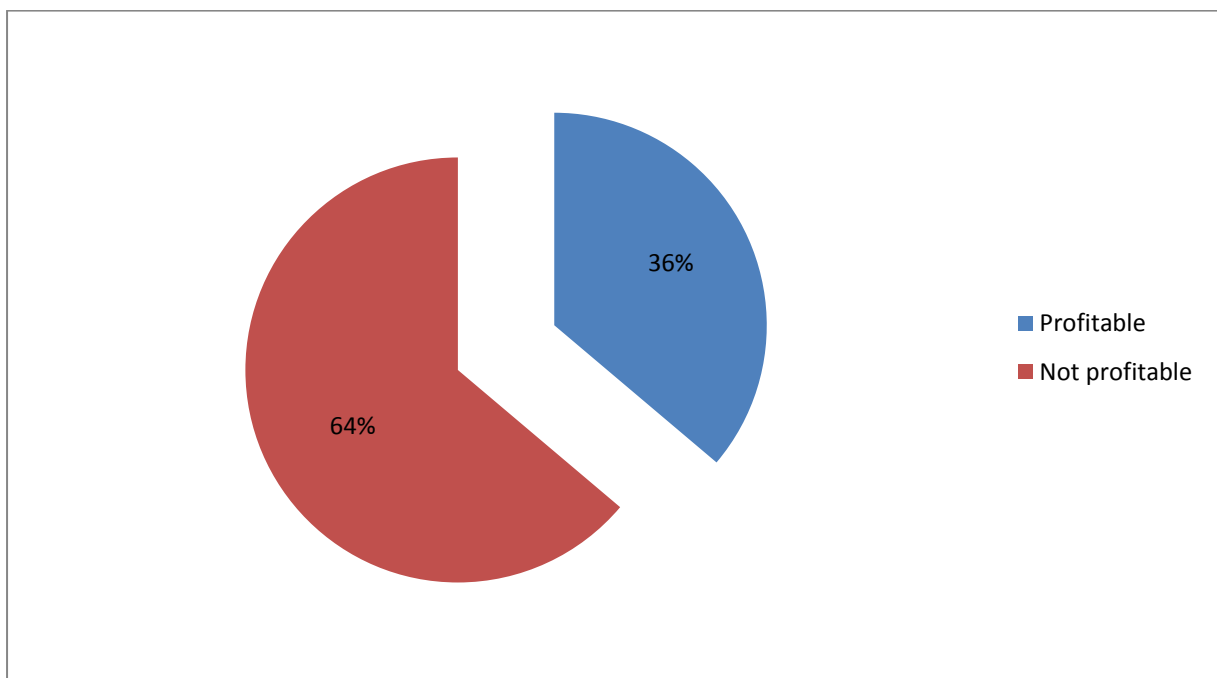
The twenty-seven percent (27%) of women who have access to markets cited co-operations such as Pick n Pay, Woolworths, Schools for the School Feeding Programme, AFGRI, OTK, Early Bird for those involved in poultry, TSB for those in the sugar industry and whilst others exported to Mozambique. Those that do not have access to the markets (57%) said they sold their production informally to street vendors, members of the community and also at auctions. The thirteen percent (13%) of women who farmed for household use planted maize and stored it at local mills. They only collected maize meal monthly or whenever needed. All the women who farm for household use are on communal land and are only restricted to one to two hectares of land and thus cannot go into commercial farming even if they wanted to due to the small size of their land.

The results of the study with regard to women and access to land indicate that the majority of women do not have access to markets. During the 2014 celebration of women's day in Benoni, when rural women made presentations about their challenges, they indicated access to markets as a barrier. They said even though the production of their land is good, they are unable to sell their produce and end up with wasted or are forced to sell cheap so they get rid of their produce. The inability of women to access markets mean that the land that is given to them is useless since it does not empower them financially.

7.3.15 Profitability of allotted land

Land is economic asset which has the ability to assist women generate income the same way men do instead of them being regarded as domestic workers. Since literature alleges that women are responsible for the production of food, especially at household level and thus play a role in the eradication of hunger and poverty (*Supra*: 47) it thus becomes important that women generate profit and be able to access markets. The question was asked to probe if the land given to women was making profit for the women to start saving and also go into commercial farming.

Figure 28: An assessment of the profitability of allotted land



Respondents were asked to indicate the extent in which the allotted land was profitable and sixty-four percent (64%) said the land they farm is not profitable whilst

thirty-six percent (36%) indicated that they were getting profit from their farming activities. Based on the findings when women were asked whether they have access to markets for their produce, it can then be confirmed that those who are able to generate profit from the land are women who have access to markets and women who do not generate profit are those without markets since they are in the majority at fifty-seven percent (57%). Lack of access to markets is not only a problem for women led projects but a problem for all farmers within the department. The Branch Rural Enterprise and Industries Development (REID) is responsible for linking projects with markets. The idea however is falling short as the branch has been able to develop enterprises but linkage to the markets has not been fully realized. The Department of Rural Development and Land Reform has now taken another initiative in order to assist emerging farmers access markets in a form of Agri-Parks. The idea is that emerging farmers will have a common place to buy farm implements such as seeds, fertilisers and feed for their livestock whilst being able to sell their produce at the same place. The idea is to enable emerging farmers to access a common market and cut down on travelling costs as Agri-Parks will be within their locality.

The majority of women (64%) said they did not generate profit from their land. A reason for the lack of profit is said to be due to the fact that they have just started farming and the little profit made is ploughed back into the farm since it takes a few years for farming to generate big profit. When probing years of land ownership by women, the majority of women had access to land for less than five (5) years. The findings confirm that most women do not have access to credit and thus cannot buy farm implements such as ploughs, tractors, boreholes and water pumps (*Supra*: 48). They are therefore not utilising the farms fully. Having farm implements such as boreholes for instances enables women to have a sustainable water supply system for their crops and increases the production of their land. Those without boreholes or access to natural streams rely on rains and if there is drought, as most women indicated, their yields are negatively affected.

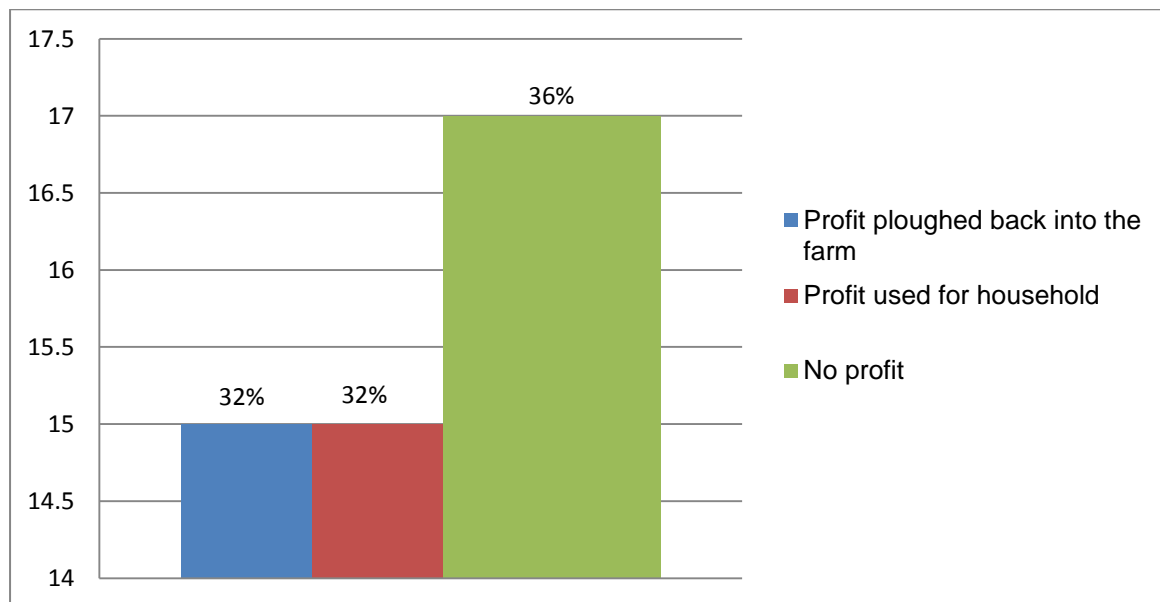
The involvement of Municipalities, government departments and other stakeholders will be beneficial in educating farmers to mitigate the impact of climate change such as using water saving technologies such as drip-irrigation systems and water harvesting methods. It is however important to note that the department is now

moving from farming initiative where people meet their basic needs to the development of enterprises where they start making profit and thus move towards commercial farming.

7.3.16 Utilisation of production profit

According to perused literature in this thesis, access to land assist women in creating a better future for their children through education and provide good nutrition for their families. It is generally assumed that women spend money on the education of their children whilst men spend it on alcohol, marry more wives or plough it back to the farm (*Supra*: 32). The purpose of the variable was to determine how women used profit they got from their produce.

Figure 29: An assessment of what the profit gained from land production is used for



Thirty-two percent (32%) of the women used their profit to plough back into their businesses in a form of buying farm implements such as fertilizers and seeds. This is done in an effort to maximize profit. The women stated that they use the profit to also pay for salaries for the jobs created on the farm. Only four (4) women out of the fifteen (15) were making enough profit to start saving. The fact that it is only a small number of women who are making enough profit to start saving is an indication that women are still a long way towards moving into commercial farming because at the moment they are still using the profit to meet basic needs such as taking care of the nutrition of their families and taking care of the education of their children. This is

also supported by the response of the women in Figure 28 above where sixty-four percent (64%) of the women indicated that the land they were leasing was not making profit. The other thirty-two percent (32%) of women who indicated that whatever profit they get is used for household use cited paying school fees for their children, buying food and taking care of other household needs such as repairing and building houses. One woman during the interview said,

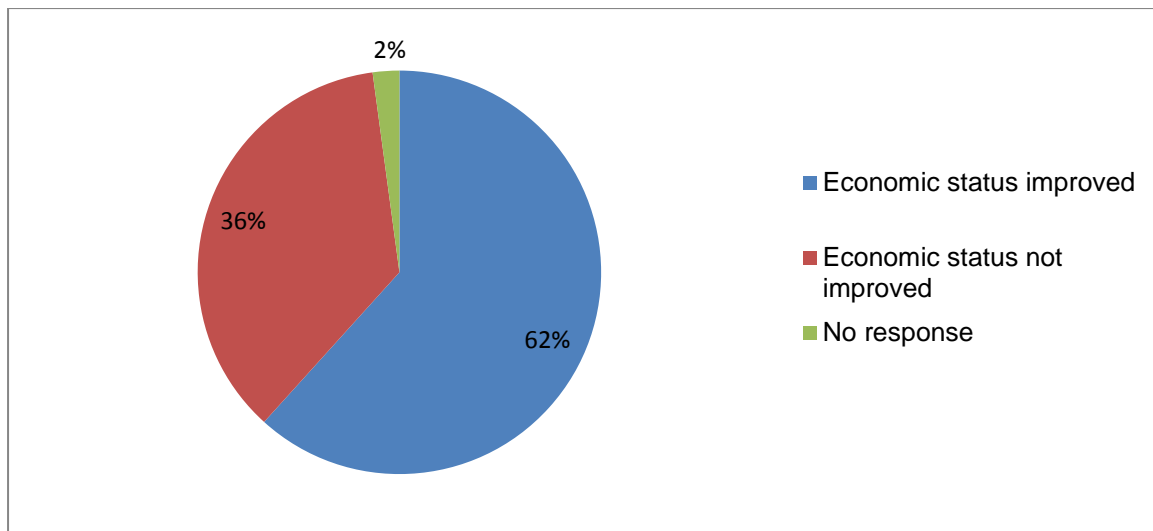
“If you give money to your husband, he will not use it for the children but will use it for something else that is why I make sure I take care of the household”.

What the woman indicates is confirms what literature says in that women use proceeds from farming to take care of their children’s needs and families whilst men spend proceeds on other things like alcohol, ploughing it back to the farm or use the proceeds to marry second or third wives (*Supra*: 32). Access to land does change the lives of women for the better because one woman also indicated how access to land had improved her bargaining powers within her household and this is because land gives women power and increases their status within the family and society (*Supra*: 46) according to perused literature.

7.3.17 Improvement in economic status due to access to land

Access to land assist women to meet practical gender needs such as access to food, water, firewood, health care, education and other needs (*Supra*: 17). Access to land has the ability to elevate the status of women in society and help shape them as agricultural producers. The purpose of the variable was to determine whether women’s economic statuses had changed due to access to land.

Figure 31: The economic impact of access to land by women



The majority of women (62%) indicated that they viewed access to land as a measure that has improved their economic status whilst thirty-six percent (36%) said they did not view their access to land to have improved their economic status. Only one (1) respondent did not give a response to the question. As indicated by the responses from women who have access to land, women are now able to feed their families and pay school fees for their children. Though many of them are not making profit, they do however, view access to land as a mechanism that improved their economic status. The findings of the study confirm that access to land offers women security both socially and in monetary terms (*Supra*: 47).

7.3.18 Women's achievements due to access to land

Access to resources such as land credit and education by women is said to have an influence on women's bargaining and decision making powers within and outside households (*Supra*: 46). The question was asked to determine women's achievements due to access to land in order to assess whether access to land has had any impact on them and their families.

Table 12: Women’s achievements due to access to land

RESPONSES	NO	PERCENTAGE
Have bargaining powers	3	6%
Have financial independence	2	4%
Able to take care of the household e.g children’s nutrition and schooling	20	45%
Created jobs	2	4%
Acquired land	2	4%
Acquired livestock and farming implements	15	32%
Built a house for family	3	7%
TOTAL	47	100%

Forty-five percent (45%) of the women cited the ability to take their children to school and also provide for their households as an achievement. Thirty-two percent (32%) said them acquiring livestock and farm implements was an achievement, seven percent (7%) said they built houses for their families, six percent (6%) mentioned acquiring bargaining powers within their households, 4% financial independence, four percent (4%) created jobs and four percent (4%) acquired land. One woman is quoted saying,

“When you have nothing, husbands do not view you as someone who has potential to succeed in anything such as being involved in business, it is only when you have money that they start respecting you. They will not abuse you when you have financial independence”.

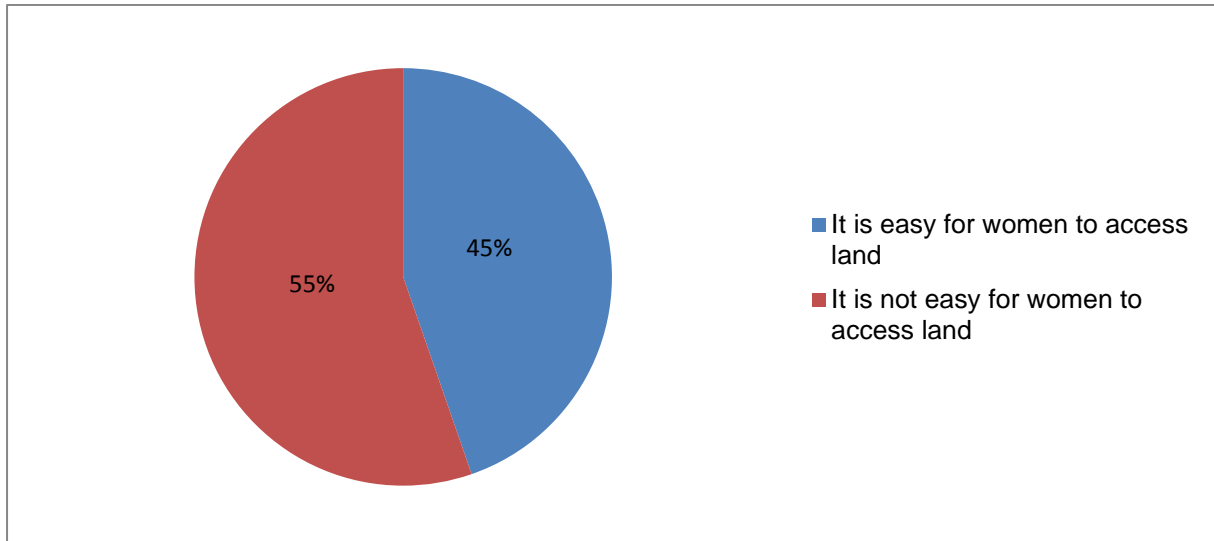
The statement confirms perused literature’s stance that access to land plays a role in the reduction of violence and spread of HIV and AIDS by improving women’s sexual autonomy (*Supra*: 80). The study revealed that financial independence gained by the respondents through access to land offers them protection because it

elevates their status and therefore able to be regarded as equal partners because they are able to contribute to the household income. Chances of abuse get slim because they will have freedom to move out of the relationships if it is not working for them anymore. Most of the women have also amassed livestock and farm implements which elevate them to the position of providers in their households which dramatically increases their chances of sharing power and decision-making within and outside their households (*Supra*: 80).

7.3.19 Opinions on women being able to access land

According to perused literature women have legal rights in terms of access to land, the rights are however not recognized socially. Women find it difficult to access land due to patriarchal customs which dictate masculinity and femininity roles which puts women in a position of subordination (*Supra*: 38). The question probed opinions on whether women are able to access to land on equal footing with men.

Figure 32: An assessment of the ability of women to access land



The majority of women (55%) said it is not easy for women to access land hence the small percentage of women who have access to land. They said it was only a certain group of women who have access to land as previously indicated; they said women from urban areas had access to land than those from rural areas. The rural women accused those who allocate land as being biased against them because they doubt rural women's capabilities in farming. It suffices for the researcher to confirm

that the literacy levels of those in rural areas and lack of information may be the cause of the inability of rural women to access land (*Supra*: 49).

Other women said government encourages the formation of co-operatives for women so they can access land however do not require the same from men. During the interview with project officers, some project officers cited gossiping and in-fighting amongst women who form part of co-operatives and said that affected project progress and productivity. So the fact that women are many on one piece of land may be the contributing factor for delays in profit making by the women as they have to share the little that they are able to generate on the farm than if they were individual leases. The in-fighting within co-operatives are group dynamics rather than a sex issue because if men were required to form co-operatives they would also experience the same group dynamics the women experience. This study revealed that a large number of women who accessed land through LRAD and PLAS form part of co-operatives which is an option that hinders women's development in land use.

Others said that for women to get access to land they are required to have collateral in a form of money or livestock and since most women do not have such, they stand little chance of getting land. When applications for land are made, the Department of Rural Development and Land reform consider applicants who have livestock, farm implements or savings unlike applicants who have nothing. The collateral is required by government so that people who are already involved in agriculture can continue working and get land for their livestock because such people are not going to wait for government to provide financial assistance. A large number of women live in poverty and as such expecting women to have collateral from women is unfair as the majority of women would not have any. This study confirms that women are not able to compete with men on the same level due to the fact that women also perform reproductive roles which keeps them away from participating in the economy on equal footing with men (*Supra*: 46). It thus becomes important that women do not compete with men when applying for land. Most of the women who have collateral got it as inheritance from deceased spouses, fathers and even father-in-laws.

Forty-four percent (44%) of the women who have access to land indicated that women who have formed co-operatives are able to access land. They however

indicated that most women who do not have access to land do not have knowledge on how to apply for land. They said that women who have access to land know on which door to knock and that is the reason they have land.

7.3.20 Waiting period before accessing land

The inferior status assigned to women by patriarchal practices is said to make it difficult for them to access land (*Supra*: 38). To determine the waiting period for women who have applied for land within the Department of Rural Development and Land Reform, the responses were divided into five (5) categories, which range from 3 months – 1 year, 3 – 4 years, 8 – 10 years, 16 years and above and lastly whether land has been inherited.

Table 13: Respondents' waiting period to access land

RESPONSES	NO	PERCENTAGE
3 months – 1 year	14	30%
3 – 4 years	16	34%
8 – 10 years	7	15%
16 years	1	2%
Got it from a deceased family member	9	19%
TOTAL	47	100%

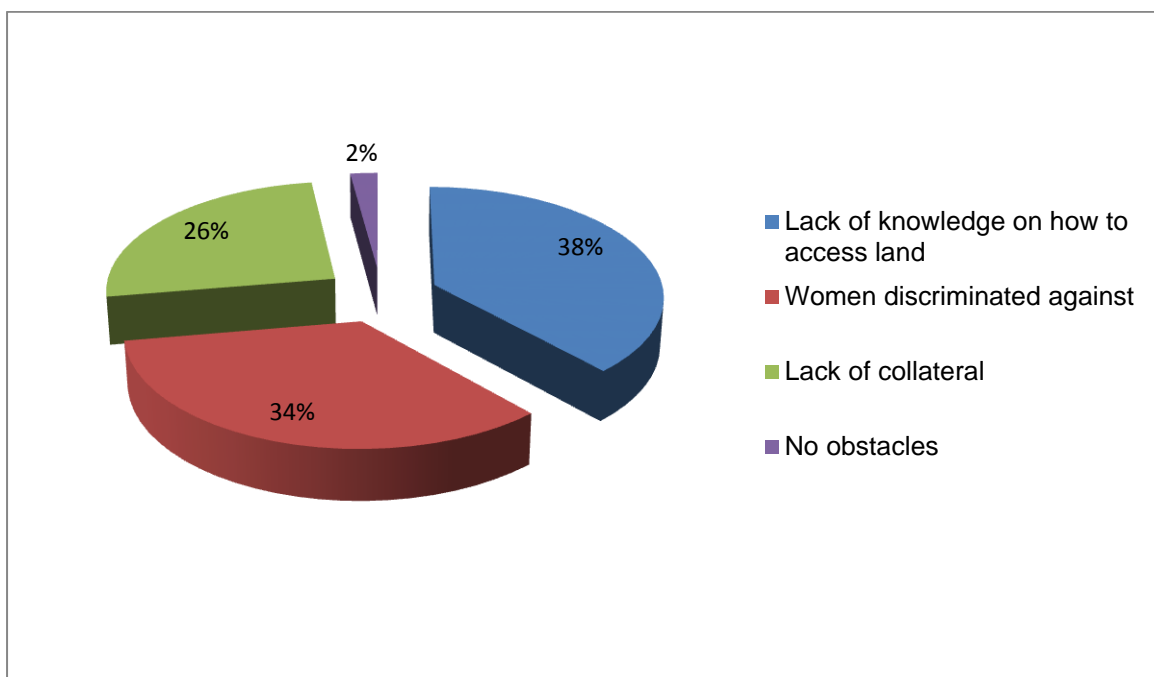
According to Table 14 above, thirty percent (30%) of women had to wait a shorter period to access land which ranged from three (3) months to a year. Thirty-four percent (34%) waited for a period of three (3) to four (4) years before accessing land, fifteen percent (15%) eight (8) to ten (10) years and longest waiting period being sixteen (16) years. Nineteen percent (19%) of the women did not have to wait because land was passed on to them through deceased family members such as

fathers, fathers-in-law and husbands a notion negating that inheritance favours men than women (*Supra*: 13). The study shows that a large percentage of women (30%) did not have to wait for a long time before accessing land. Since the Department of Rural Development and Land Reform acquires land through PLAS, the waiting period depend on availability of land, which is getting scarce due to inflated prices by farmers hence the appointment of a Valuer General who will be responsible for setting prices on agricultural land. The list of applicants for land is also long and affects the waiting period. Some districts such as Ehlanzeni do not have large pieces of land for grazing when compared to other districts such as Ehlanzeni and Nkangala. This then means that any applicant who needs grazing land will wait longer than an applicant who wants another type of agricultural land.

7.3.21 Obstacles to women’s access to land

According to perused literature the low literacy levels women have impacts negatively on women’s knowledge of land rights (*Supra*: 110). The inferior status assigned to women due to patriarchy is also said to be an obstacle towards women’s land rights (*Supra*: 115). The purpose of the variable is probe obstacles towards women accessing land.

Figure 33: Obstacles to women’s access to land

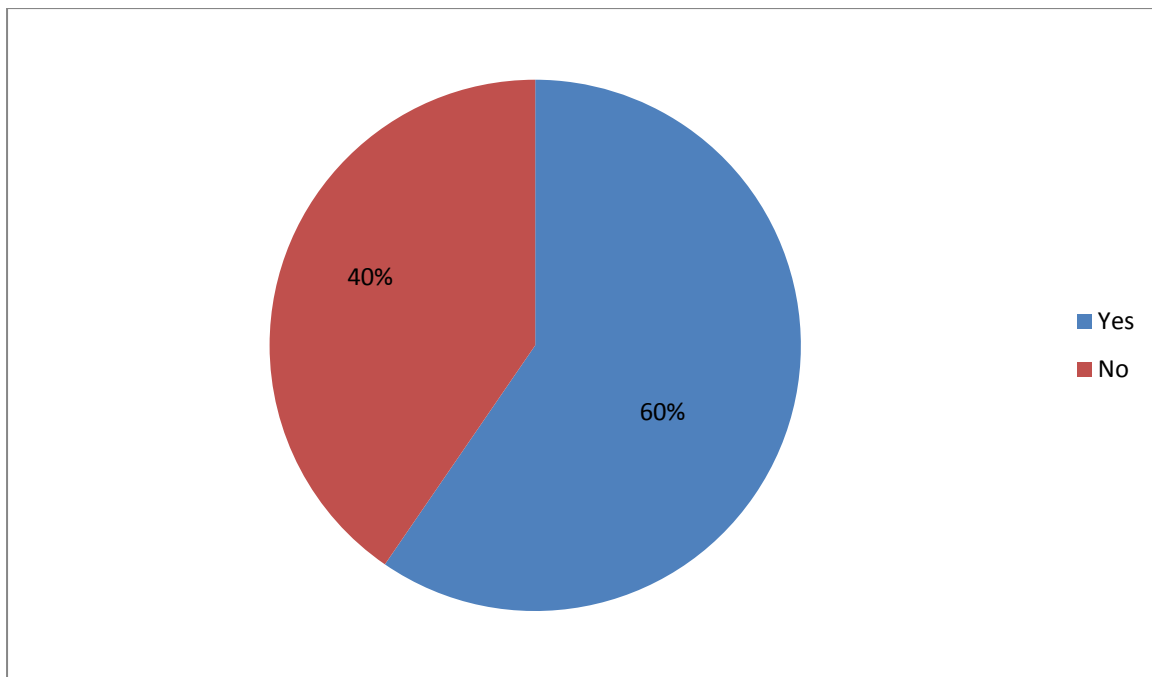


The majority of rural women (38%) said women did not have information about how to access land, especially those from rural areas. Thirty-four percent (34%) said women did not access land because they are discriminated against by those who are responsible for the allocation of land. They said society does not want women to have access to land because land is regarded as men's territory. Twenty-six percent (26%) cited the lack of collateral as an obstacle whilst two percent (2%) of the respondents said there were no obstacles that prevented women from accessing land. The findings of the research negates what project officers said when they indicated that women came in large numbers at awareness campaigns which they cited as an indication that they knew the processes to be followed in order for them to access land. The findings of the study confirm that rural women do not have information on the actual process of how to access land, this is despite the fact that they are aware of legislation with regard to land (*Supra*: 115). This study revealed a gap between women knowing the redistribution and restitution programmes offered by the Department of Rural Development and Land Reform and the actual process of applying for land. Even though women are aware of the land reform programmes, they are however clueless about how to go about applying for land.

7.3.22 Support by government offered to women who have access to land

Women need opportunities, knowledge and skills to enhance the production of their land. They also need exposure to new technology and extension services. Access to credit is said to have the potential to positively influence women's access to markets (*Supra*: 48). The question was asked to probe the extent of support offered by government to women who have accessed land within the Department of Rural Development and Land Reform.

Figure 34: Governments' support to women who have accessed land



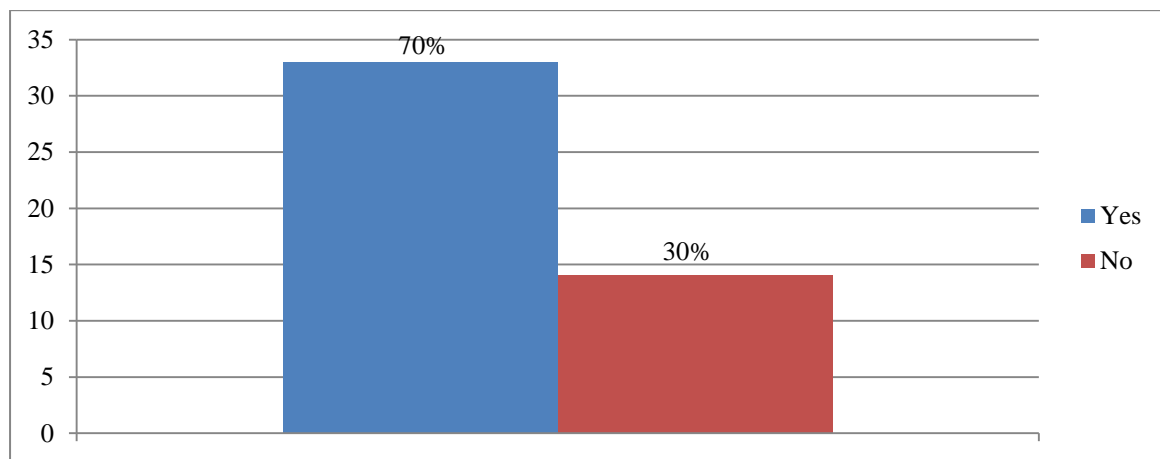
Respondents were asked whether they got any support from government to input on their land and sixty percent (60%) of women indicated that they did get support from government. The Department of Agriculture was mentioned as a supplier of support which is in a form of training, provision of seed and fertilizer and the provision of tractors for ploughing. Even though the provision of tractors is appreciated by the women, they complained that it was done on an adhoc basis and sometimes they would miss a season because ploughing was not done and that negatively affected their production because they would not plant when the tractors were not available. The findings then somehow, even though not fully, negates what has been indicated by the body of literature that extension services are normally reserved for male land owners than females (*Supra*: 49) because female land owners within the Department of Rural Development and Land Reform to be empowered through training and skills on farming on equal footing with men. This is also buttressed by project officers who indicated that women had equal access to training and skills aimed at improving land use. Of the sixty percent (60%) twenty-one percent (21%) indicated that they got financing through the recapitalization programme. This means that out of the forty-seven women who have access to land who participated in the study, only ten (10) had access to recapitalization funds. It was only forty percent (40%) of the women who indicated that they did not receive any support from government. The findings indicate that women did get assistance from government to input on their farms in a

form of seeds, fertilizers and ploughing. This negates what literature purports that women did not get agricultural inputs on the same footing with men, except in cases of recapitalization funds (*Supra*: 49).

7.3.23 Support from male relatives to women who have access to land

Land is said to be owned and controlled by men who are regarded as heads of household according to the body of literature (*Supra*: 15). This is because women are regarded as being in transit and thus culturally not allowed to own land because they marry outside of clans and thus have the potential to enrich other clans.

Figure 35: Assessment of support from male relatives to women who have access to land



Seventy (70%) of the women respondents said their male family members such as husbands, brothers and sons do assist with working the land. Some said since they needed physical strength with some of the duties on the land such as dehorning calves, castration of bulls and erection of fences, the male family members come in handy during those times. Husbands are said to be adding value to the land women have acquired because some are said to inject capital during period of drought to assist their women keep the farms running. The fact that the majority of women get support from their male relatives including husbands negates assumptions that cultural customs do not allow women to own land but make them second class citizens (*Supra*: 2). The results of the study revealed that men are supportive on the women who have access to land. It was only thirty percent (30%) of women who indicated that they did not get any form of assistance from male relatives and this might be due to them being heads of households, widowed or divorced. The findings

also contradict what has been indicated by project officers that land is viewed as a men's responsibility hence women will not get any support from men with regard to land.

7.4 DATA GATHERED FROM MEMBERS OF THE COMMUNITY TO DETERMINE ATTITUDES TOWARDS WOMEN'S LAND RIGHTS

Data was collected through semi-structured interview schedule from one hundred and twenty-three (123) members of the community. The respondents were from three districts, i.e. Ehlanzeni, Nkangala and Gert Sibande. Before collecting the data, permission was sought in writing from four municipalities within the three districts which are Nkomazi, Umjindi, Mkhondo and Emalahleni Municipalities. Permission was given in writing for the researcher to conduct the study. Permission was also sought from members of the community who willingly participated in the study. The majority of community members were able to answer the questionnaire unassisted whilst some were assisted due to their low literacy levels. The data was collected from the 1st to the 31st August 2015. The semi-structured interview schedule had two sections, the first section was on biographical information, and the second section had ten questions probing societal attitudes towards women's land rights. Data from the semi-structured interview schedules was read and the researcher made notes of emerging themes and also made summaries of each interview discussion capturing opinions, attitudes and perceptions. Information gathered from one hundred and twenty-three (123) members of the community who volunteered in the study and is presented and analysed as follows:

7.4.1 Biographical information

Under biographical information, the location where respondents who participated in the study came from, their home language, age group, gender profile, educational level was gathered and analysed. The purpose of obtaining biographical information from members of the community is to probe societal attitudes towards women's land rights with particular emphasis on the age group, the level of education in relation to understanding of women's human and land rights. The aim is also to compare attitudes in relation to different cultures within the province and opinions and attitudes with regard to the gender of whether it is women or man who support or

discriminate against women’s land rights. According to literature women find it difficult to access land and widows suffer from land grabbing by their male relatives or have cultural practices such as “wife inheritance” imposed on them (*Supra*: 14). Information gathered from members of the community on biographical information is analysed and presented as follows:

7.4.2 Location

The rationale for indicating the location of respondents was to determine the number of respondents in each district and municipality so as to make deductions about the views of respondents in a particular area. The opinions of respondents may be different from one district to another or from one municipality to another due to cultural differences such as opinions from the Ndebeles in Nkangala district versus Tsongas in Ehlanzeni district.

Table 14: The location of respondents

District	Municipality	No	Percentage
Ehlanzeni	Nkomazi	19	16%
	Umjindi	21	19%
Gert Sibande	Mkhondo	38	32%
Nkangala	Emalahleni	40	33%
TOTAL		118	100

A total of one hundred and eighteen (118) respondents took part in the study and they are from the three districts, i.e. Ehlanzeni District in which two municipalities participated which are Nkomazi and Umjindi municipalities; Gert Sibande District in which Mkhondo municipality was selected and Nkangala District in which Emalahleni municipality participated. Sixteen percent (16%) of the respondents were from Nkomazi, nineteen percent (19%) from Umjindi, thirty-two percent (32%) from Mkhondo and thirty-three (33%) from Nkangala Municipalities. The majority of participants are from Ehlanzeni District at thirty-five (35%), followed by Nkangala at thirty-three (33%) and the district with less participants is Gert Sibande at thirty-two

(32%). The highest number of respondents in this study is Swati speaking at fifty-three percent (53%) as indicated in Table 16 below and they fall within the three districts although mostly concentrated in the Ehlanzeni District. The findings indicate that there is an equal number of respondents from Nkangala district and Ehlanzeni (33%) and the lowest number of respondents are from Gert Sibande with thirty-two percent (32%) of respondents.

7.4.3 Home language

It is generally assumed that some South African cultures such as the Ndebele and Venda are more patriarchal in nature than others. The reason for gathering information on home language was to determine the role played by culture in relation to attitudes on women and land ownership.

Table 15: Language spoken by respondents

HOME LANGUAGE	NO	PERCENTAGE
Siswati	63	53%
IsiZulu	11	9%
IsiNdebele	3	2%
Tsonga	11	9%
Sotho	14	12%
Venda	9	9%
English	-	-
Afrikaans	7	6%
Other	-	-

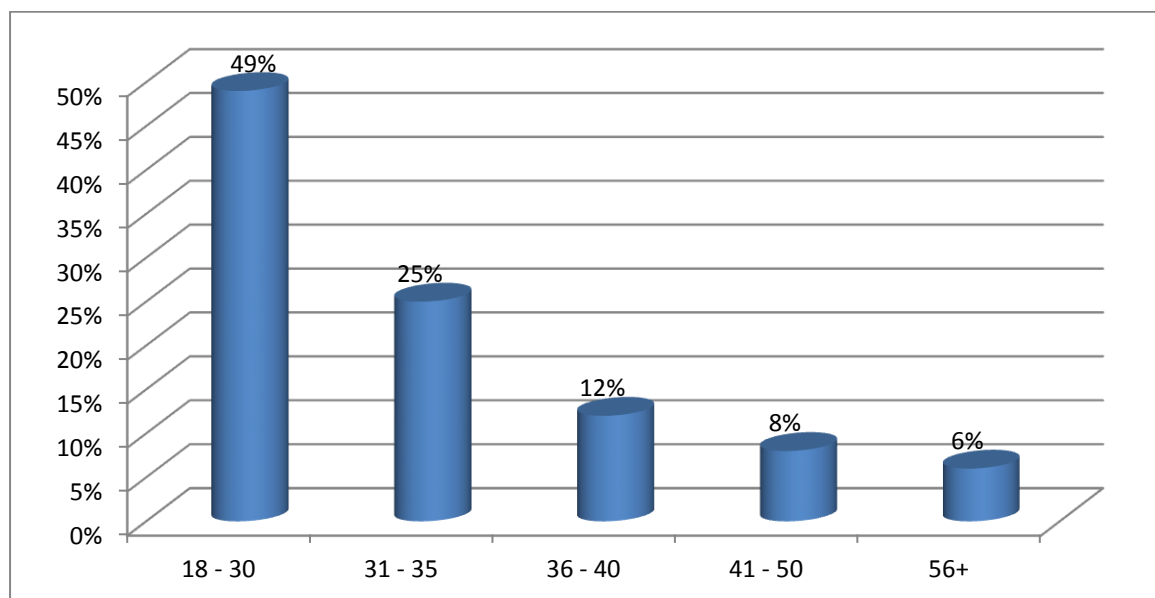
Fifty-three percent (53%) of the respondents are SiSwati speaking, nine percent (9%) speak IsiZulu, two-percent (2%) IsiNdebele, nine percent (9%) XiTsonga, twelve percent (12%) SeSotho, nine percent (9%) TshiVenda and six percent (6%) Afrikaans. The languages are spoken in all three districts because Mpumalanga Province encourages diversity through sourcing skills from other provinces. The province is also a mining hub especially in districts such as Gert Sibande and Nkangala and thus employs people from other provinces as well as outside the

country. It is said about ninety percent (90%) of South Africa's coal is mined in Mpumalanga Province (Republic of South Africa: 2014)

7.4.4 Age profile

The rationale for gathering information on the age profile of respondents was to determine whether the age of respondents had an impact of how they view women and land ownership. It is generally assumed that the older generation has strong cultural customs embedded in them in such a way that they regard women as inferior as compared to the younger generation. Another perspective that may come from examining attitudes towards women's land rights in relation to the age of the respondents is that the younger generation are said to be more knowledgeable about legislation on human rights than the older generation due to their high level of education.

Figure 36: Age group of respondents

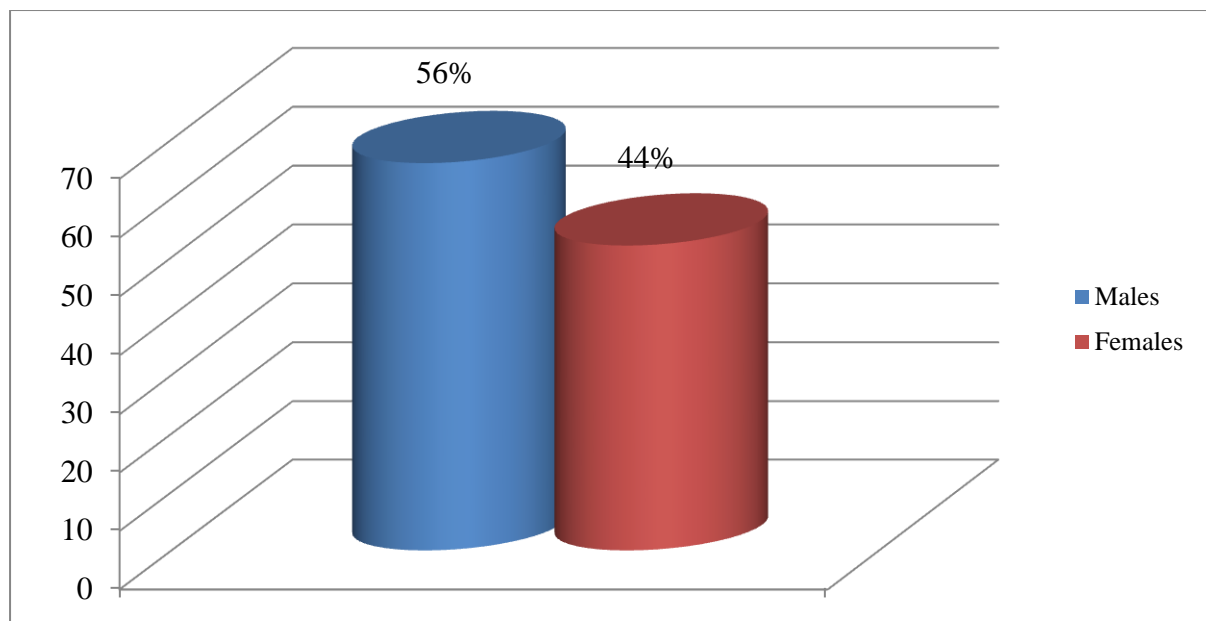


There was forty-nine percent (49%) of respondents between the ages 18-30; twenty-five percent (25%) between the ages 31-35; twelve percent (12%) between 36-40; eight percent (8%) between 41-55 and six percent (6%) from 56 years upwards who took part in the study. The majority of participants (49%) come from the age group 18-30 which is the youngest age group of participants in this study. The opinions raised in the study are mostly from the two age groups as they were in the majority as compared to the other age groups.

7.4.5 Gender profile

According to perused literature, patriarchy is referred to as a system of male dominance that is characterised by dominance where men dominate and viewed as superior and women dominated and viewed as inferior. It is a system that defines women in relation to their reproductive roles only (*Supra*: 38). The opinions of the respondents who are mainly male will indicate opinions towards equal sharing power and decision making between men and women, how women's land rights are viewed based on gender, views on inheritance practices, opinions and views on the participation and the role of women in political, cultural and traditional structures dealing with land and also views on equal sharing of household labour. The variable was used to determine the gender of respondents in relation to opinions and attitudes towards women and land ownership.

Figure 37: Gender of respondents



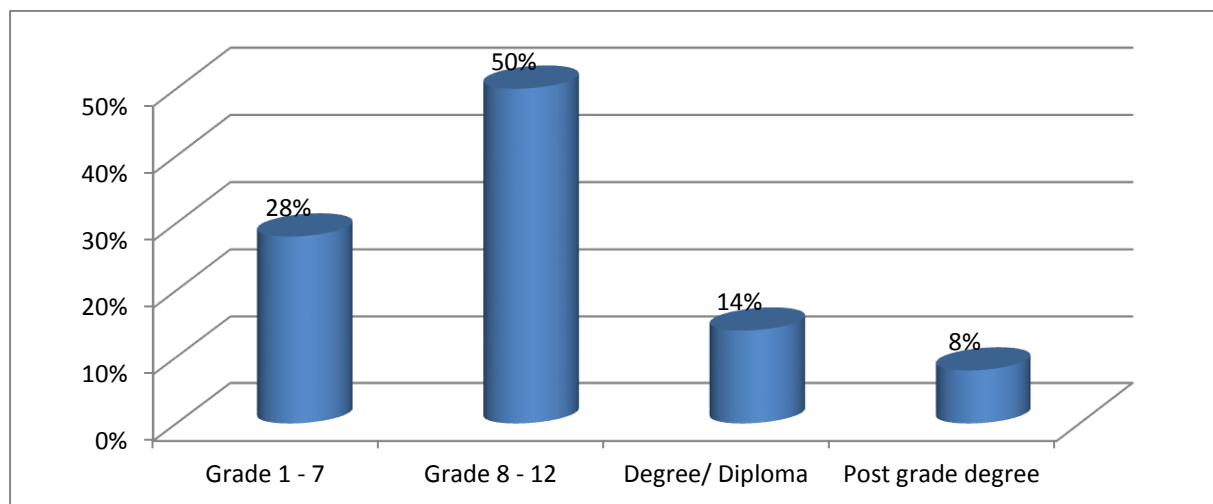
Fifty-six percent (56%) of the respondents are males and forty-four percent (44%) are females. The gender profile of the respondents cut across all three districts and municipalities. The findings indicate that there were more males than females who participated in the study. There are certain roles and responsibilities that women and men acquire and are specific to them being male or female. These roles are learnt thus men and women are not born with them. They are enforced by social, cultural, political and economic institutions such as the family, religion, economic and political institutions. The roles and responsibilities assigned to men and women

have a potential to cause the subordination of women making it difficult to access and control resources such as land (*Supra*: 38). The findings of the study indicate a majority of both male and female respondents are aware of women's land rights and support that they be upheld. On the other hand a small percentage of both men and women indicated that women are inferior in status as compared to men and thus should not access resources such as land.

7.4.6 Educational profile

The level of education of participants has an impact on women's the awareness of human rights, the understanding of and respect of gender equality. Knowledge of human rights has the ability to promote social order in thus enabling all persons, irrespective of gender to participate effectively and fully in a free society. The aim was to determine whether there is a relationship between respondents' literacy levels and attitudes toward women's human rights.

Figure 38: Respondents' level of education



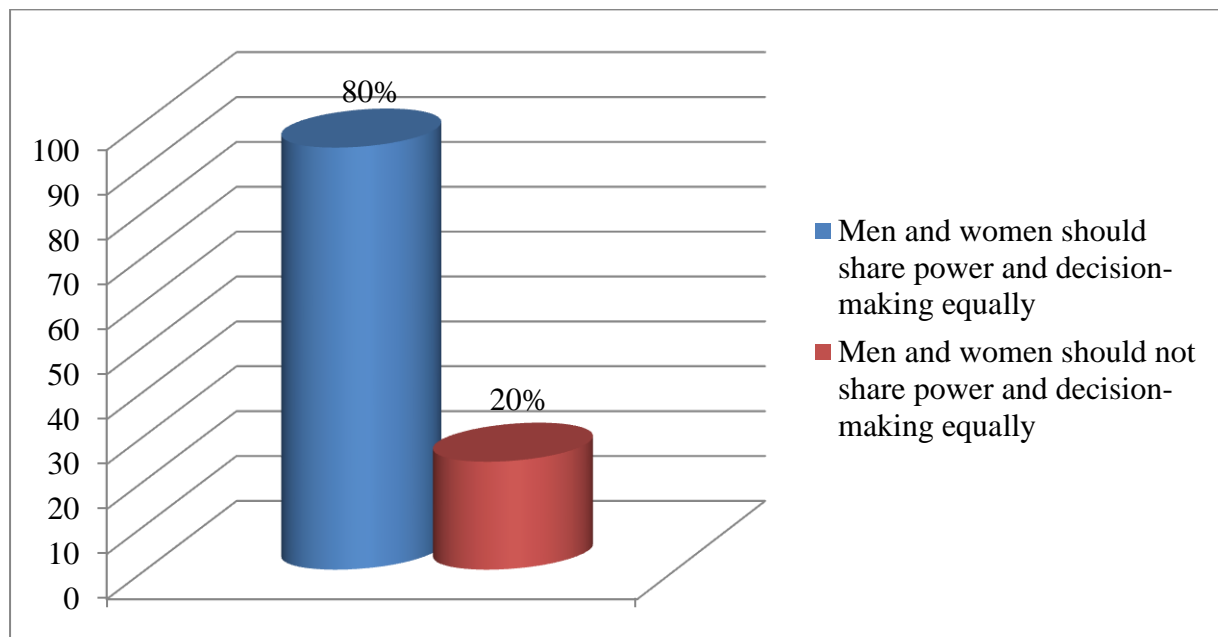
Twenty-eight percent (28%) of the respondents fall between grades 1-7 and fifty percent (50%) between grades 8-12. Fourteen percent (14%) respondents have degrees or diplomas whilst eight percent (8) have post graduate degrees. The highest number of participants who took part in the study only has qualifications that range from grades 1-7. The findings in this thesis indicate that the majority of respondents (50%) have high literacy levels. The high literacy levels have an impact on how women's human rights are viewed. According to the findings, there is greater awareness of women's human rights among members of the community who

have high literacy levels; hence the more educated society is, the more they want to uphold women's human rights as indicated in the findings of the study.

7.4.7 Equal sharing of power and decision-making between men and women

The gender division of labour at household level based on reproductive roles played by women such as fetching water and firewood, taking care of the sick, attending community activities such as funerals, disadvantages them because these roles are not seen as important. Household labour impacts on women's participation in the broader economy (*Supra*: 46). The variable was used to determine respondents' opinions on equal sharing of power and decision making between men and women.

Figure 39: Assessment of attitudes on equal sharing of power and decision-making between men and women



Eighty percent (80%) of the respondents agreed that women and men should share power and decision-making, whilst twenty percent (20%) of the respondents disagreed.

Those who agreed to equal sharing of power and decision-making said the South African constitution stated that everyone is equal. They also indicated that women are human beings and should enjoy their human rights too. They indicated that the equal sharing of power and decision-making paved a way for good communication between couples. Others cited the financial contribution women make in households

as also giving them the right to have opinions and thus decision-making powers in households.

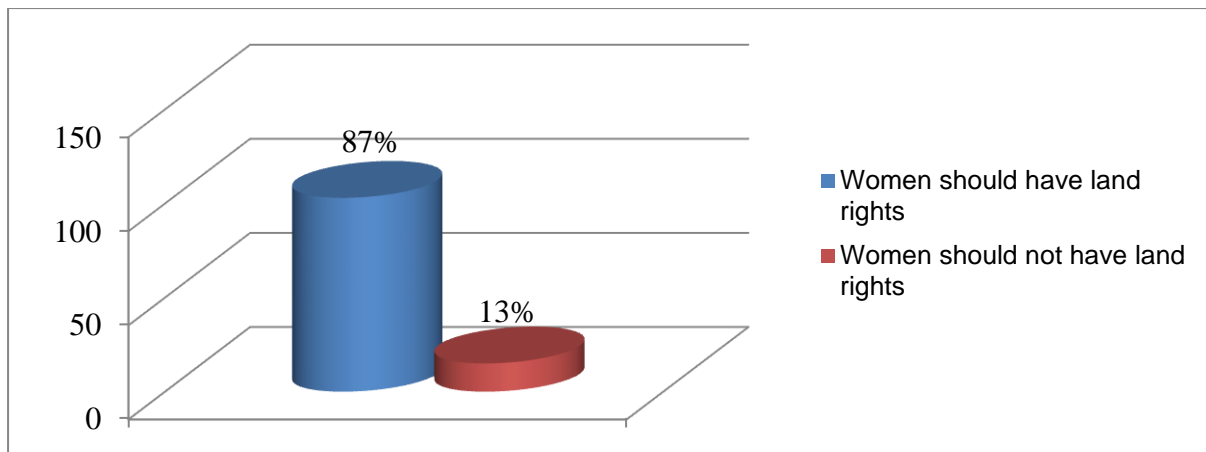
Twenty percent (20%) of the respondents who disagreed to the equal sharing of power and decision-making said women were inferior to men according to culture and thus were in no position to share power and decision-making on equal basis with men. They indicated that women can hold high positions at work but when they get home they must know their positions that they are women and not heads of households. Men are regarded as heads of households according to the Christian Bible because it affirms that women are inferior to men. Physical strength was also quoted as contributing to the superior status of men. Women are cited as weak, emotional, irrational and lacking of the ability to make decisions. If men and women share power and decision-making this creates problems in a relationship.

The South African Constitution of 1996 which advocates of equality of sexes by eliminating all forms of discrimination is well known by the majority of the respondents. They all indicated that equality of sexes according to the constitution and hence advocated for the equal sharing of power and decision-making. Patriarchy is said to define women in terms of reproductive roles and thus relegates them to inferior positions a statement disapproved by eighty percent (80%) of the respondents who advocates for equal sharing of power and decision-making (*Supra*: 38). However the small percentage of respondents who showed patriarchal tendencies in the responses confirms perused literature's affirmation about women being inferior to men.

7.4.8 Attitudes on women having land rights

According to the perused literature in this thesis, of all the three categories of land rights which are stated as (i) use rights which refers to rights to use land; (ii) control rights which refers to rights to make decisions about the land in terms of what to plant and how benefits from the sale of crops are used and (iii) transfer rights which are rights to sell, lease, give land away through inheritance and making overall decisions about use and control rights; women only have use rights. Use rights are not secure for women because they can be taken away at any time due to change in women's relationships with men such as divorce or widowhood (*Supra*: 1). The variable was used to determine respondents' views on women having land rights.

Figure 40: Attitudes towards women's land rights



Eighty-seven percent (87%) of the respondents are of the opinion that women should have land rights. The South African constitution was cited as the basis of women having land rights. The equality clause is said to translate to equality of opportunities. Respondents argued that since women have been and are still the ones who provide food for their households through agriculture, it makes sense that they have land rights as well. Most respondents indicated that having land rights will enable women to feed their children. Women's land rights were cited as having an impact on the eradication of hunger and poverty through the creation of jobs. According to the respondents, women's land rights increased their bargaining powers at household level because it also assists them to become financially independent and they contribute to the household, thus lessening the burden of taking care of families from men.

The twenty percent (20%) of respondents who argued against women having land rights indicated that women would be disrespectful towards their husbands and would be controlling should they have land rights. The majority indicated that since women marry into other clans, having land rights will enrich other clans and disadvantage the clan they are born from. They advocate for women to have small pieces of land for household consumption instead of bigger sizes of land. The fact that men are heads of households and thus should be the only one to have land rights was mentioned as a reason.

The findings concur with the response from women who have accessed land within the Department of Rural Development and Land Reform who indicated that access to land has enabled them to take care of their children, their households has

increased their bargaining powers (*Supra*: 46). The Millennium Development Goals (MDGs), with specific reference to MDG goal number one (MDG1) advocates for the eradication of poverty and hunger especially amongst women by enhancing their land rights which are said to have the potential of assisting women to provide good nutrition to their children.

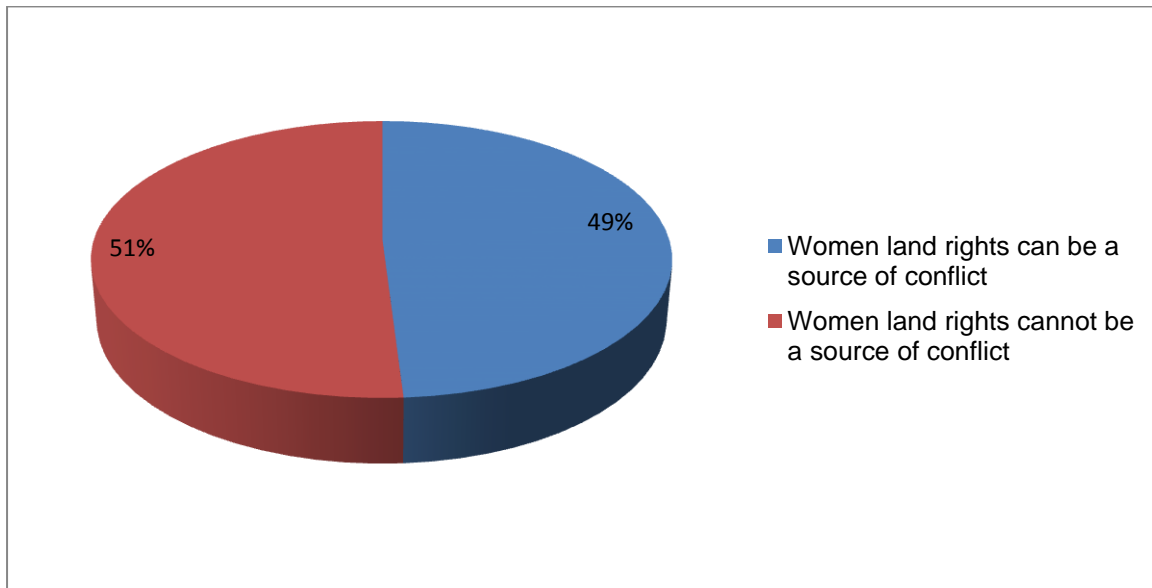
Eighty percent (80%) of the respondents did affirm the notion of women accessing land by citing the importance of the eradication of poverty and hunger. The small percentage of respondents who did not agree to women having land rights also confirm what the body of research stated about patriarchy making sure that land does not fall in the hands of another clan by not allowing women to own land (*Supra*: 2).

The findings of this study thus reveal that women should have land rights because women provide food security, take care of their households by contributing financially using proceeds from land. The findings also confirm that women become financially independent and have bargaining powers due to having land rights (*Supra*: 16).

7.4.9 Opinions on whether women's land rights are regarded as having the potential to cause conflict in marriage or other relationships

Women's land rights are said to have a potential to cause conflict in marriage and other relationships as cited by perused literature where though the Indian Hindu Succession Act of 2005 was modified to prohibit discriminatory practices against women in terms of inheritance but societal pressure on the other hand does not allow women to inherit land. Women end up not claiming their inheritance in order to keep peace within their families and communities (*Supra*: 68). The aim of the question was to determine if respondents viewed women's land rights as having a potential to be a source of conflict in marriage or other relationships.

Figure 41: Opinions on whether women’s land rights are regarded as having the potential to be cause conflict in marriage or other relationships



Forty-nine percent (49%) of respondents said women’s land rights can be a source of conflict in marriage and other relationships whilst fifty-one percent (51%) of respondents said women’s land rights cannot be a source of conflict in marriage and other relationships. Those who viewed women’s land rights as having the potential to cause conflict in the marriage and other relationships said women’s land rights contribute to the high divorce rate as women disrespect, control and divorce their husbands. The fact that women marry into other clans was mentioned as a reason for the conflict. It is argued that women have the potential of enriching other clans should they be given land rights. A woman is said to be brought into a family to increase a clan and not to own land. Culture was also mentioned as a reason for women not to have land rights. Since men are regarded as heads of households and as such providers of their families and not women, they are the ones who should have land rights. This supports the researcher’s assertion that women are regarded as part of property and not human beings and sometimes relegated to the status of children hence the sons having a higher status than their mothers’ even though they may be very young (*Supra*: 106).

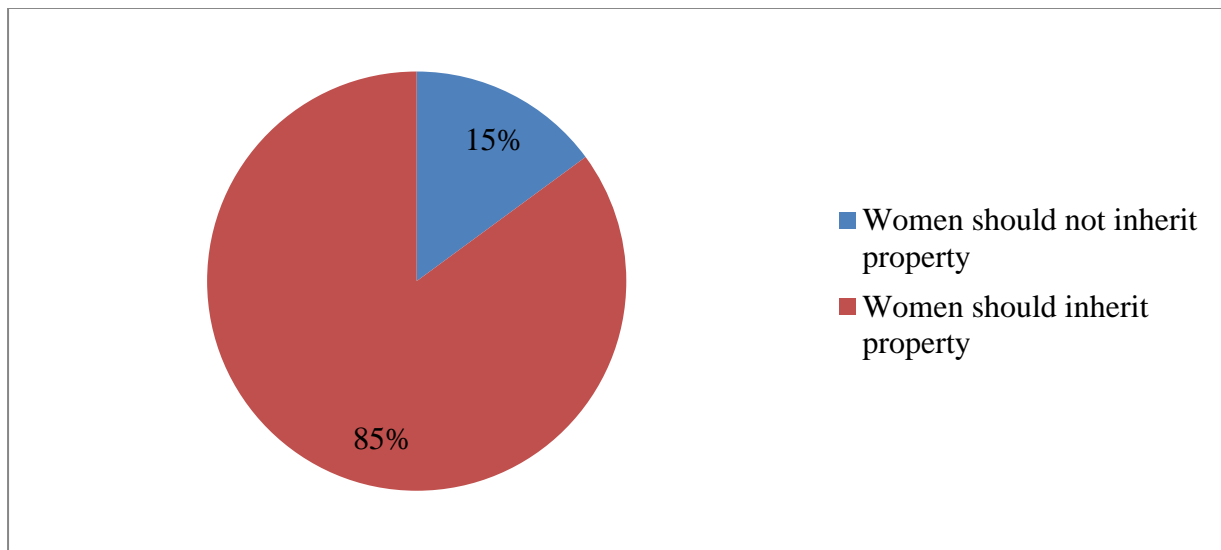
According to those who regard women’s land rights as not having the potential to cause conflict in marriage and other relationships (49%), women who have land

rights should respect their husbands so that there is peace in relationships hence they must know their place in the household. Educated men are said to be less egoistical hence are supportive of women with land rights. They indicated the importance of women having land rights in order to assist in taking care of the children. The findings of the study indicate that almost half of the respondents regard women's land rights as not having a potential to cause conflict in the marriage or other relationships and the other half of respondents regard women's land rights as having the potential to cause conflict in marriage or other relationships. Interestingly the majority of respondents who argued that land rights cannot cause conflict in marriage or other relationships were female. They said that as long as women respected their husbands there will be peace in households. The social order of society that compels women to be subordinated has been ingrained in women's psyche that they have internalised it as the correct way of doing things in that they unconsciously end up perpetuating patriarchy without questioning it.

7.4.10 Attitudes on women inheriting property on equal footing with men

Previously women did not have the capacity to acquire assets in marriage such as land through inheritance because according to perused literature in most societies women are not allowed to inherit property (*Supra*: 56). The discrimination of women regarding inheritance has since been enforced through legislation such as the Recognition of Customary Marriages Act No 120 of 1998 and the Intestate Succession Act No 81 of 1987. There are also land mark court cases such as the *Bhe and Others vs Magistrate, Khayelitsha and Others* and the *Shibi vs Sithole* cases that ruled against male preference in customary inheritance practices (*Supra*: 109). Respondents were asked for their views on who should inherit marital property including land should a man pass away in order to determine attitudes towards women inheriting property should a man pass away.

Figure 42: Attitudes on women inheriting property on equal footing with men



Eighty-five percent (85%) of respondents said women should inherit property on equal footing with men whilst fifteen percent (15%) said women should not inherit property. The eighty-five percent (85%) of respondents who said women should inherit property quoted the South African Constitution's equality clause which indicates that women and men are equal before the law and thus should inherit equally. They also emphasised that women will be able to take care of the children should they inherit property on equal footing with men.

Respondents who said that women should not inherit property argued that the first born son is the one who should inherit because he will be able to take care of the mother. They said a man should inherit because he is the head of the household and a provider for the family. They argued that a man continues the family name and if a woman remarries into another clan she will unfairly enrich the other clan. Men practically do not leave land or inheritance in the hands of women but in the hands of male relatives (*Supra*: 13). This assertion is supported by the responses given by participants in the study although they are in a minority (15%). The minority also support the assumption that women only access land through male kinship as patriarchy dictates men as heads of household (*Supra*: 13).

The findings of the study contradict what literature in this thesis said about inheritance practices favouring men than women (*Supra*: 106). The findings also

contradicts the researcher’s assertion about women not being allowed to own land because they are regarded as being in transit because if they get married, that would enrich in-laws should they own or inherit land from parents (*Supra*: 2). According to perused literature in this thesis, widows are more vulnerable to land grabbing from in-laws (*Supra*: 80) which is unlikely to happen in Mpumalanga based on the responses by the participants in this study.

7.4.11 Cultural opinions on who should inherit property should a man pass away

Women are said to be culturally discriminated against in terms of inheritance despite the existence of laws prohibiting their discrimination (*Supra*: 106) especially rural women who have little or no knowledge of their inheritance rights. The rationale for the variable was to test respondents’ views on women inheriting property on equal footing with men.

Table 16: Opinions on who should inherit property should a man pass away

RESPONSES	NO	PERCENTAGE
Women and children	95	80%
First born son or other male relatives	23	20%
TOTAL	118	100

Eighty percent (80%) of the respondents said women and children should inherit property because women will be able to take care of the deceased’s children. Some of the respondents mentioned that the woman must inherit provided that she does not remarry. Twenty percent (20%) of the respondents said the children should be the one to inherit and the mother should be a caretaker of the land because if she remarries, the property will be protected. The response of the twenty percent (20%) of respondents who said the first born son must inherit cannot be ignored. According to them if the son is still young, the mother must be the caretaker of the property on behalf of the son until he can take over when he is older. The reason for the son to

inherit is said to be the fact that a son continues the family name unlike a woman. In the case of an absence of an heir, brothers, uncles and other male relatives should inherit. According to them women can only inherit if they remarry within the family so that they keep the inheritances within clans. This group supports what is said about women still discriminated against with regard to inheritance despite the provision of the law saying they shouldn't. Their sentiment support what has been written about women being regarded as property and hence can be passed on from one male to the other in order to protect inheritance (*Supra*: 39). The practice is not acceptable because even though it had positive intentions previously where women were protected in situations of divorce and widowhood by making sure that women and children were looked after, the commercialisation and scarcity of land has had a negative impact on the practice leading to the eviction of women from land in cases of widowhood and or divorce.

The findings in this thesis confirm that the majority of respondents are aware that women have inheritance rights should the husband pass away. This is an indication that society is changing and more people are aware of women's human rights despite the few patriarchal tendencies that are still there.

7.4.12 Views of women forming part of political, traditional other structures that deal with land

Literature on gender equality calls for the inclusion of women in structures that deal with land because it is said that there is lack of representation of women in these structures due to cultural norms that forbids them to do so (*Supra*: 47). The prohibition of women's participation in structures that deal with land is said to have a negative impact on women having their needs articulated and thus enabling development initiatives to take their needs into cognisance. The variable was used to determine respondents' attitudes towards women forming part of political, traditional and other structures that deal with land.

Table 17: Attitudes on women forming part of political, traditional other structures that deal with land

RESPONSES	NO	PERCENTAGE
Women should form part of political, traditional and other structures that deal with land	104	88%
Women should not form part of political, traditional and other structures that deal with land	14	12%
TOTAL	118	100

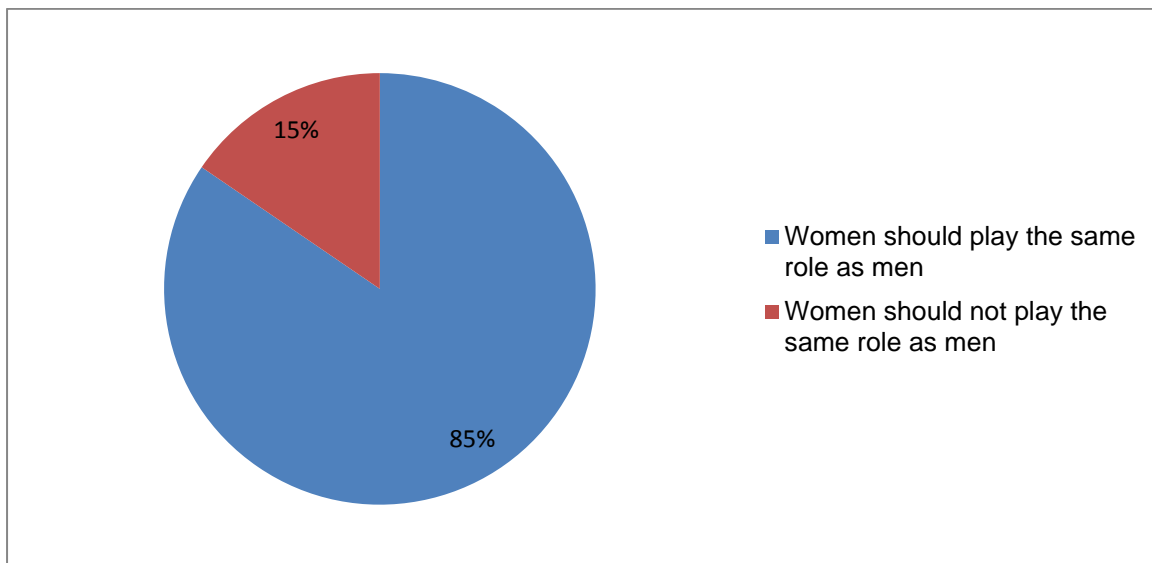
Eighty-eight percent (88%) of the respondents support women forming part of political, traditional and other structures that deal with land. They quoted the South African Constitution of 1996 as allowing women to form part of political structures. They said women can form part of such structures provided the husband approves because the marriage must take first priority. If the woman is single, she can do as she pleases. They said structures such as these give women a voice with regard to access to land. Women will also get information about processes and regulations regarding access to land. They will make contributions about their challenges with regard to access to land. The respondents argued that women will be independent and have confidence if they are allowed to participate in such structures. The twelve percent (12%) of respondents who said women should not form part of political, traditional and other structures mentioned that women become disrespectful when they form part of such structures because they tend to look down upon their men. Participating in such structures is said to cause division in some marriage structures. Others said women can form part of other structures except the traditional structures as they are meant for men. They said women must take care of their children and husbands and leave traditional structure participation to men.

The findings in this study contradicts what has been asserted by literature that women are not allowed to form part of political, traditional and other structures that deal with land because culture forbids them from engaging with men in public (*Supra*: 55). Responses by the majority participants in this study support women forming part of political, traditional and other structures that deal with land and hence negates what literature asserts.

7.4.13 The role women should play within structures that deal with land

According to perused literature in this thesis, the lack of representation of women in decision making structures such as traditional, political and other structures that deal with land, makes it difficult for them to have their needs articulated or for women to be involved in development initiatives (*Supra*: 47). The variable was therefore used to probe societal opinions on what roles women should play in political, traditional and other structures that deal with land.

Figure 43: Opinions on the role of women within structures that deal with land



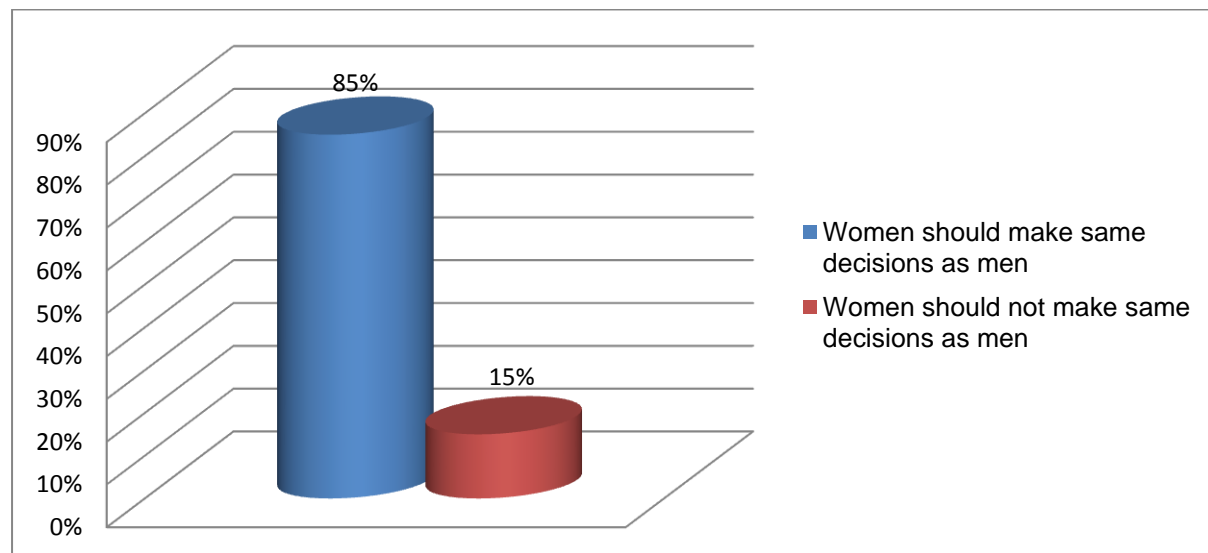
Eighty-five percent (85%) of respondents are of the opinion that women should play the same role played by men. Women should make decisions about processes or requirements regarding land allocation and leadership roles. Fifteen percent (15%) of the respondents said the role of women is to listen to men, support the men, and implement what has been decided by men. Men should make decisions about finances and also play leadership role and the women must execute decisions made by men. According to the respondents, the first priority for women should be taking

care of the husbands and children. Customary practices are regarded as a barrier towards women participating in decision-making structures where decisions are made about land (*Supra*: 47). This view is supported by the response from the fifteen percent (15%) of respondents who are against women forming part of political, traditional and other structures that deal with land. The responses from the majority of respondents (85%) are supported by body of literature which support the involvement of women in structures that empowers them and facilitate their access to land (*Supra*: 47).

7.4.14 Decisions men and women should make with regard to land

Culturally it is argued that there are predetermined gender ideologies which describe rights and responsibilities for both men and women. These ideologies reinforce the position of women as inferior and dependent on men (*Supra*: 1). An example of these responsibilities is the responsibility and power that comes with the three land rights which are use, control and transfer rights (*Supra*: 1). The variable was used to probe the opinions of society regarding decisions that women and men should make with regard to land.

Figure 44: Opinions on decisions men and women should make with regard to land



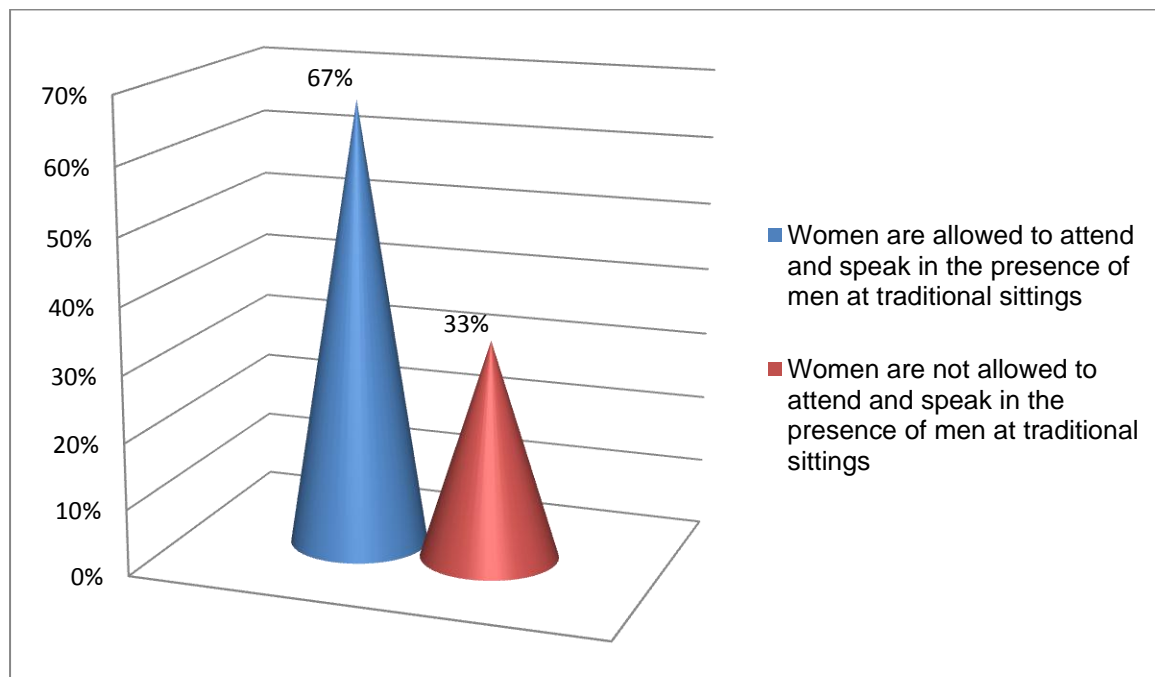
Eighty-five percent (85%) of the respondents are of the opinion that women should play the same role played by men with regard to land. They said women should make decisions about processes or requirements regarding land allocation and leadership roles. They respondents also indicated that women should make

decisions about what to plant and how proceeds from the sale of production should be utilized. It was only fifteen percent (15%) of the respondents who are of the opinion that women have no right to make decisions about how proceeds of production from the land should be used. They said since men were heads of households and thus responsible for making leadership decisions. The results of the study contradicts what literature asserts about women not making decisions about land in terms of what should be planted, the leasing or selling of the land and how proceeds from the land should be used (*Supra*: 1) because the majority of respondents (85%) said women should play the same role as men with regard to decisions about land matters.

7.4.15 Opinions on women speaking in the presence of men at traditional gatherings

Culturally, women are said to be forbidden from engaging with men in public (*Supra*: 55). The question was asked to determine participants' opinions regarding women speaking in the presence of men at traditional sittings.

Figure 45: Opinions on women speaking in the presence of men at traditional sittings



Sixty-seven percent (67%) of the respondents said women are allowed to attend traditional sittings and also speak in the presence of men. They indicated that

previously before the democratic constitution it was not allowed for women to form part of these structures or even address men but since men and women are equal, women are allowed to attend and address men. They said things have advanced to a level where women are also elected in positions within traditional structures. Women are however not allowed to wear pants when attending such sittings.

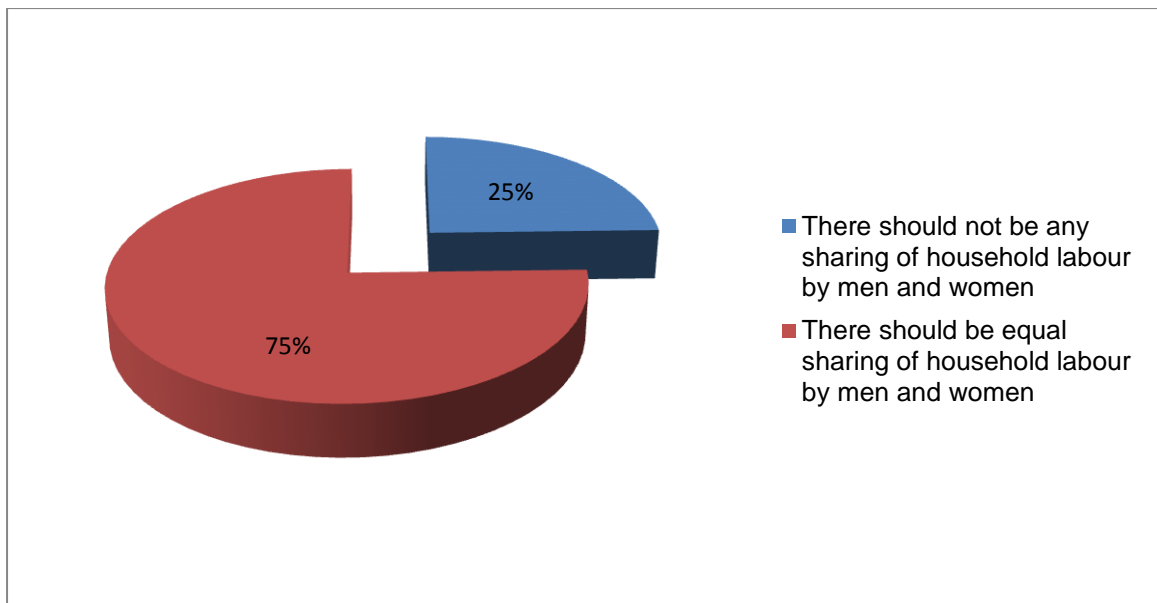
Thirty-three percent (33%) of the respondents on the other hand said women were not allowed to speak in the presence of men in traditional sittings where they come from. They were however allowed to attend traditional sittings just to listen and not give opinions. They only spoke through a man if they wanted to pass a message or when instructed to speak.

Judging from the responses, it can be argued that even though previously women were not allowed to participate in such structures, things have now changed (*Supra*: 51). The findings of the study thus contradict what literature asserts about women not being allowed to participate in structures that deal with land. Women have made great strides and are now represented in decision-making structures in Mpumalanga Province. It is however important to note that despite the progress, there are still areas where women are marginalised and that is supported by literature and the thirty-three percent (33%) respondents who participated in the study. Since women are allowed to attend sittings but in some instances not allowed to speak, it is hoped that things will change for the better through education and involvement of organisations such as the Human Rights Commission and the Commission for Gender Equality.

7.4.16 Equal sharing of household labour

The family has been indicated as a key institution of socialisation and it is blamed for socialising girl and boy children differently, fostering division amongst the two. Boy children are said to be socialised to be brave, they are trained to be heads of households, leaders, whereas girl children are socialized to be home makers, passive and strive to please men (*Supra*: 31). To determine respondents' awareness of women's reproductive and productive work respondents were asked about their views on the equal sharing of household labour between men and women to allow women to be fully involved in economic activities such as agriculture on an equal footing with men.

Figure 46: Attitudes on equal sharing of household labour



The majority of the respondents (75%) agreed about equal sharing of household labour. They said since the law says men and women are equal, responsibilities should be shared equally. They argued that women were also financially independent and that supported the equal sharing of household labour. The respondents said the sharing encouraged positive bonding amongst family members. Women's contributions to the family in terms of monetary and sharing of decision-making powers have been cited as the reason for sharing household labour. The participants also mentioned the equality clause in the constitution as a backbone of their beliefs that women should not be the only ones doing household labour.

The twenty-five percent (25%) of respondents who disagreed about the equal sharing of household labour cited house work as women's responsibility. Women are responsible for taking care of the children and husbands. They said men were providers and should only do outside chores because men are not trained to do house chores. They said men should only assist with household chores if they want to. They said the equality clause only applied on paper because practically, men are still heads of households. The argument of thirty-three percent (33%) respondents who argued that the role of women is to be home makers responsible for taking care of children and husbands. And that men are heads of households and thus should

not perform any house chores except if they wanted to if supported by literature (Supra: 46).

The findings however contradicts what literature asserts about the unequal division of labour having a negative impact on women's decision-making and bargaining powers because seventy-five percent (75%) of the respondents agree to the equal sharing of household labour. The findings thus refute the notion that patriarchy relegates household chores to women because of their perceived inferior status in society (Supra: 46).

7.5 DATA GATHERED FROM FOCUS GROUPS

Data was collected through the same semi-structured interview schedule utilised to collect information from members of the community. Information was gathered from two (2) focus groups from Ehlanzeni and Nkangala districts from the 1st to the 31st August 2015. Before collecting the data, permission was sought from the Nkomazi and Emalahleni municipalities to undertake the study and was given in writing by the two municipalities for the researcher to conduct the study. Permission was also sought from members of the community who willingly participated in the study. The semi-structured interview schedule had two sections, the first section was on biographical information, and the second section had ten questions probing societal attitudes towards women's land rights. Each question was posed by the researcher and members of the focus groups shared their opinions. Data was then read and the researcher made notes of emerging themes and also made summaries of each interview discussion capturing opinions, attitudes and perceptions. Information gathered from (2) focus groups who volunteered in the study and is presented and analysed as follows:

7.5.1 Biographical information

Under biographical information, the location where respondents who participated in the study came from, their age group, the common language spoken by the respondents and the age profile was gathered and analysed. The purpose of obtaining biographical information from members of the community is to probe societal attitudes towards women's land rights with particular emphasis on the age

group, the level of education in relation to understanding of women's human and land rights. The aim is also to compare attitudes in relation to different cultures within the province and opinions and attitudes with regard to the gender of whether it is women or man who support or discriminate against women's land rights. According to literature women find it difficult to access land and widows suffer from land grabbing by their male relatives or have cultural practices such as "wife inheritance" imposed on them (*Supra*: 39).

7.5.1.1 Location of respondents

Two focus groups participated in the study and they came from two districts i.e. Ehlanzeni and Nkangala. The opinion of the selected study area is sufficient to represent the view of the municipality or area. The findings of the study will be presented by comparing the views of the two focus groups, that is, Ehlanzeni and Nkangala. These two focus groups are different from one another in that the Ehlanzeni group was comprised of younger respondents as compared to the Nkangala group which was comprised mainly of pensioners. The participants of the Ehlanzeni group were accidentally accessed because the researcher found them in a group and asked for permission to discuss the questionnaire. The Nkangala group on the other hand was purposefully accessed. A request was made by the researcher to the Mahlangu Chieftaincy at Siyabuswa in the former KwaNdebele to conduct the study. The Chieftaincy then made arrangements for the focus group and the questionnaire was then administered through discussions. The findings of the study will provide information on issues such as the impact of culture on respondents' opinions regarding women's land rights. The aim was to observe what has been indicated by project officers that the Ndebeles are more conservative than any ethnic group because even the seating arrangement during meetings or gatherings indicates the low position of women. Women sit away from the men on the floor and never on a chair (*Supra*: 134)

7.5.1.2 Common language spoken by members of the focus group

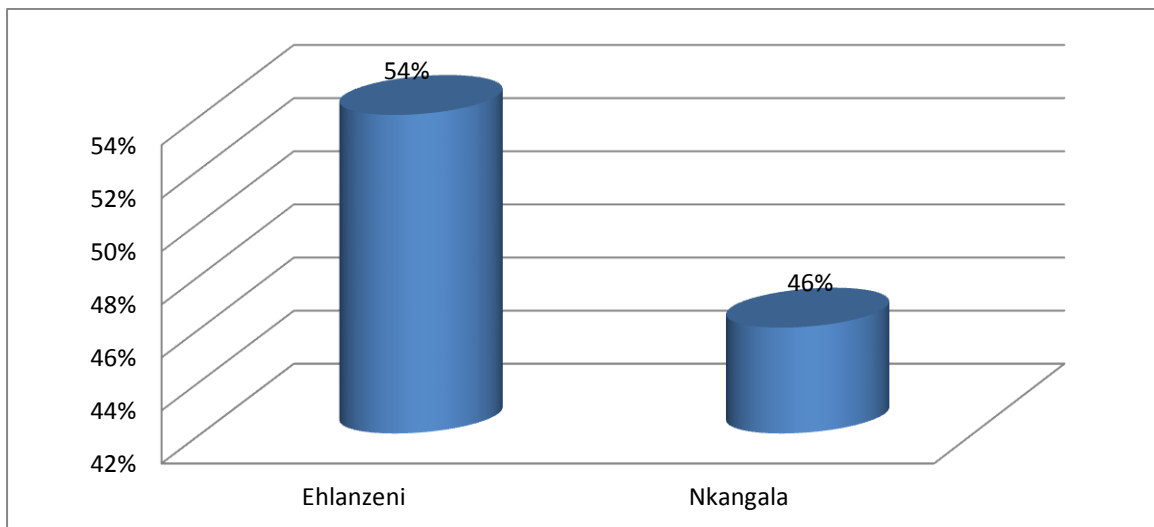
Biographical information on the language spoken by members of the focus groups was gathered in order to determine the extent of patriarchy within the ethnic groups. This is as a result of the observations of project officers who argued that the Ndebele speaking people were more patriarchal when compared to other ethnic groups within

Mpumalanga Province (*Supra*: 134). The Ehlanzeni group was a Siswati speaking group and the Nkangala was a Ndebele speaking group. The findings of this study confirmed what has been indicated by project officers regarding the seating arrangement. Whilst the researcher was waiting for participants to arrive, women arrived earlier than men and sat on chairs that were made available. As soon as the first man arrived, the women moved from the chairs and sat on grass mats a little bit away from where the researcher and men were sitting. It was only when the researcher asked the Chieftaincy for permission that the women sit next to the men although on grass mats that they came closer.

7.5.1.3 Total number of men and women in attendance

The rationale for gathering information on the number of respondents who participated in the study was compare attitudes towards women’s access to land in relation to the sex of respondents.

Figure 47: Number of men and women in attendance

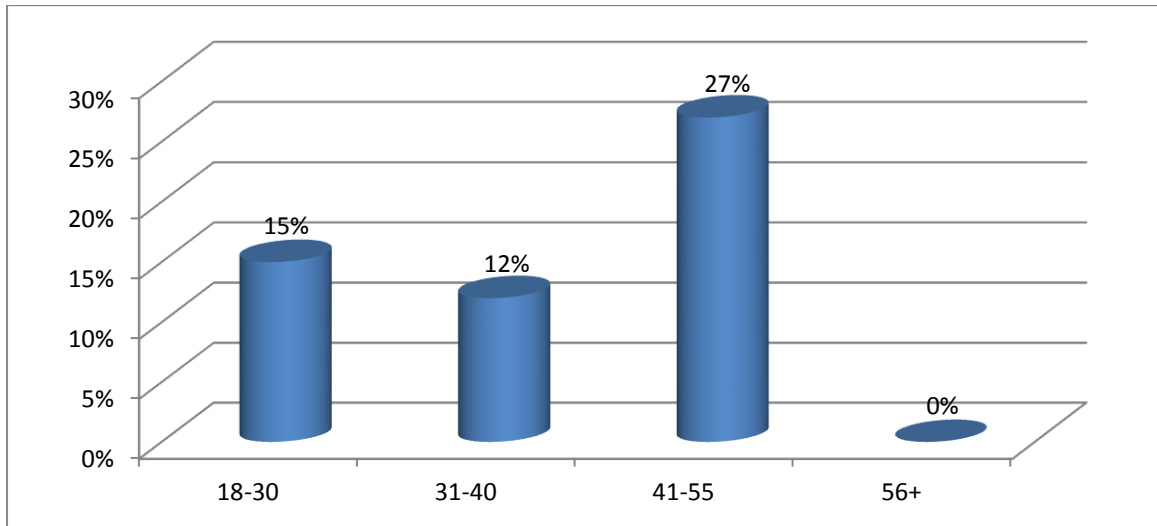


Data presented on the number of respondents is divided into the two districts which from which the focus groups were drawn which are Ehlanzeni and Nkangala. Ehlanzeni had fifty-four percent (54%) member representation and the Nkangala group had forty-six percent (46%) member representation.

7.5.1.4 Age profile of respondents

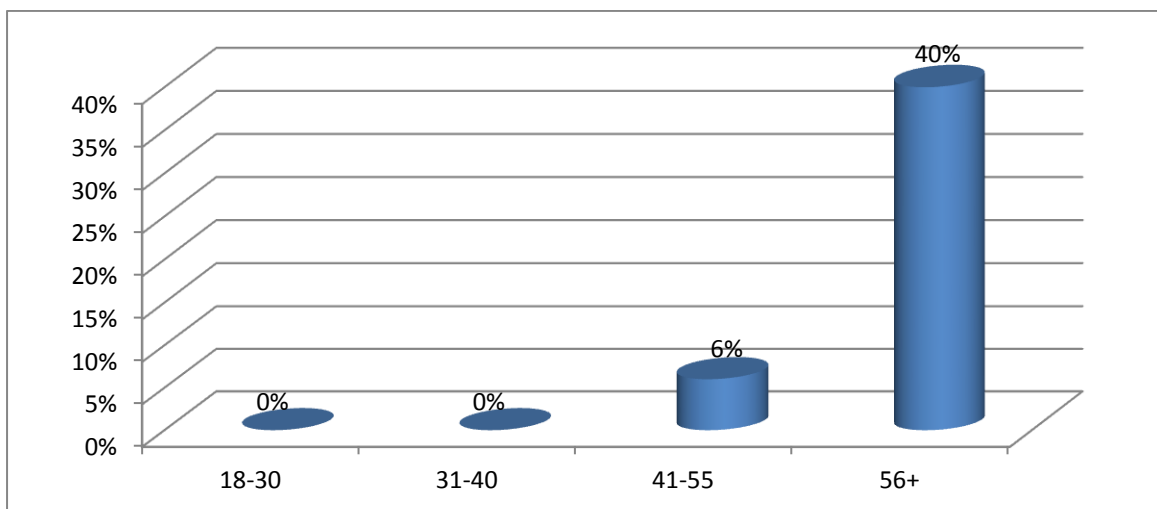
The rationale for gathering information on the age of respondents who participated in the study was to compare attitudes towards women's access to land in relation to the age of respondents per district.

Figure 48: Age group of respondents from Ehlanzeni district



Based on figure 47 above, fifteen percent (15%) of the respondents were between the age groups 18-30, twelve percent (12%) between the age group 31-40 and twenty-seven percent (27%) in the age group 41-55 who participated in the study from the Ehlanzeni District.

Figure 49: Age group of respondents from Nkangala district



Nkangala district had the highest number of older people taking part in the study (40%) because almost all of them were above the age of 56, except for six percent (6%) of respondents whose ages ranged from 41-55. The results of this study indicate that the participants in the Ehlanzeni focus group ranged from young to middle age. The views and opinions of a younger generation are important to determine attitudes towards women's land rights by comparing the views and opinions to an older generation. Due to changing times, the younger generation is more aware of treaties that are signed by South African regarding gender equality and the dispensation of the South African Constitution of 1996 on the Bill of Rights as compared to an older generation. The results in this thesis confirmed that the young generation from Ehlanzeni District was more open to upholding women's human rights as compared to the older generation from Nkangala District.

7.5.2 Opinions on equal sharing of power and decision-making between men and women

The Ehlanzeni focus group supported the equal sharing of power and decision-making between men and women. They were concerned that countries are not implementing resolutions taken with regard to equality despite countries signing treaties. They emphasized the existence of patriarchy despite the existence of laws. They also indicated that most women lacked knowledge on equality legislation. The Nkangala group emphasized that men were heads of households. They said even if there was a law on equality, that only applied on paper because when it comes to the household level, men were the ones in charge and thus should be the ones making decisions and not women.

The findings of the study confirm that the younger generation in the focus groups is aware of women's human rights and the treaties signed by South Africa in relation to gender equality. The views are also supported by the majority of younger participants (18-35) from members of the community who took part in the study (*Supra*: 193). The large number of young project officers (42%) who were between the ages 36-40 and thirty-six percent (36%) between the ages (18-35) who participated in the study also showed awareness of women's human rights. The findings thus confirm that the younger generation is more open to the sharing of

power and decision-making powers as compared to the older generation in the Nkangala focus group.

7.5.3 Views on women having land rights

Both Ehlanzeni and Nkangala focus groups indicated that women have always been custodians of land since they are the ones responsible for food production, an assertion supported by participants from members of the community and the who participated in the study (*Supra*: 198). They however indicated the gap between the practical implementation of land reform programmes for the benefit of women and customary restrictions. According to them women only had land as a right on paper but in reality land was in the hands of men. This assertion is also supported by fifty-six percent (55%) of women who accessed land within the Department of Rural Development and Land Reform who indicated that it was not easy for women to access land (*Supra*: 183). Project officers who participated in the study also mentioned that there were no programmes specifically targeting women within the Department of Rural Development and Land Reform which means that land was in the hands of men than women (*Supra*: 138) which is an indication that it is not easy for women to access land.

7.5.4 Views on whether women's land rights are regarded as a having a potential to cause conflict in marriage or other relationships

Both Ehlanzeni and Nkangala focus groups said women had a potential of taking land to other clans and thus enriching them because they are the ones who get married and leave their homes and that causes conflict within families. They indicated that traditionally, when a woman gets married she forfeits her land rights unless she remarries within the family (*Supra*: 3). They however mentioned awareness about legislation advocating for equality of gender. All the participants who took part in the study indicated that they were aware of legislation on gender equality. From the responses collected from this focus group, it can then be deduced that women's land rights can cause conflict in relationships especially for women in rural areas.

The Nkangala group also agreed that women's land rights have the potential to cause conflict. Their reasons given were that a woman who has land rights will

become uncontrollable and disrespectful to her husband. The Nkangala group also agreed with the views of the Ehlanzeni group with regard to women marrying outside the clan and enriching other clans should they have land rights. According to the group, the payment of lobola was an indication that a woman is owned and thus a property of the man hence she cannot own property. Their views are also upheld by some participants from members of the community who argued that women had the potential to enrich other clans should they have land rights (*Supra*: 200).

The findings confirm that women's land rights have a potential to cause conflict in the marriage or other relationships. Even though there is awareness of women's land rights, cultural tendencies seem to supersede the application of law. This is an indication that culture still plays a major role in how women and land ownership are viewed by society, land is still regarded as a men's terrain (*Supra*: 11) amongst the older generation.

7.5.5 Attitudes on women inheriting property on equal basis with men

The Ehlanzeni group said that women should inherit property on equal basis with men because they are the ones looking after children for men. Another reason given is that women are responsible for food security. The views of the Ehlanzeni focus group concur with the views of members of the community who took part in the study because the majority (80%) said women should inherit property on equal basis with men (*Supra*: 202).

The Nkangala group said it was unheard of for women to inherit property because women were in transit and would thus enrich other clans when they get married. They said men should inherit property because they uphold the family name (*Supra*: 11). The stance taken by the Nkangala group is supported by a minority of participants from the community whose stance support women's access to land through male kinship (*Supra*: 10) as asserted by perused literature.

7.5.6 Cultural opinions on who should inherit property should a man pass away

Both focus groups argued that African culture advocates that women marry within a family clan to enable them to have access to land, hence the issue of wife inheritance. This is a way of making sure that land does not leave the family or clan.

If a woman was not married at the time of the husband's death, the woman's son would be required to pay lobola for her on behalf of his father. This is done not to protect the woman, but to protect the wealth of the family but when it is done it is done as if it is meant to protect the woman. The views of the Ehlanzeni group support what literature asserts about women's access to land and the issue of wife inheritance.

The findings confirm that culturally women are not allowed to own land because they are viewed as being in transit because they marry outside the family and would thus enrich other families if they are given land (*Supra*: 3).

7.5.7 Opinions on women forming part of political, traditional other structures that deal with land

The notion of women forming part of political, traditional and other structures that deal with land was supported by the Ehlanzeni focus group. They said participation will ensure that women advocate for other women and open a dialogue regarding access to land by women. The structures are said to have the ability to give women a voice and thus have their interests served. The views of the Ehlanzeni group are supported by members of the community who participated in the study because eighty-eight (88%) of them support the notion of women forming part of political, traditional and other structures that deal with land (*Supra*: 205).

The Nkangala group on the other hand indicated that culturally women are not supposed to form part of any traditional, political and other structures that deal with land. They said even though they were aware of the laws regarding equality, however culturally it was not allowed. Their views are supported by twelve percent (12%) of the members of the community who participated in the study. The findings then contradict what literature asserts about women not being allowed to form part of structures that deal with land (*Supra*: 47) because the majority of participants (88%) from the members of community (*Supra*: 205) are in agreement with the Ehlanzeni focus group.

7.5.8 Opinions on what role women should play within structures that deal with land

The Ehlanzeni group said the role women should play is to be a link for other women by creating a platform for women's issues to be addressed. They should play the same role as men which are about leadership. The views of the Ehlanzeni focus group are also supported by participants from members of the community who participated in the study in which eighty-five (85%) participants said women should play the same roles as men in these structures (*Supra*: 206).

The Nkangala group said women should not play any role because they are not allowed to form part of political, traditional and other structures that deal with land. The views of the Nkangala group are also supported by fifteen percent (15%) of participants from the members of the community who took part in the study (*Supra*: 205).

7.5.9 Decisions men and women should make with regard to land

According to the Ehlanzeni group both men and women must make decisions together about land. The decision should involve deciding on what to plant, how to use proceeds from the land and whether to sell or hire out land. They indicated that women should make decisions about what to plant and how proceeds from the sale of production should be utilised.

The Nkangala group on the other hand argued that since women are not supposed to own land, they should not make any decisions about land. Property, according to the group belongs to men and not women. They said since men were heads of households they are responsible for making leadership decisions.

The results of the study contradicts what literature asserts about women not making decisions about land in terms of what should be planted, the leasing or selling of the land and how proceeds from the land should be used (*Supra*: 1) because the majority of members of the community (85%) also said women should play the same role as men with regard to decisions about land matters (*Supra*: 206).

7.5.10 Opinions on women speaking in the presence of men at traditional gatherings

The Ehlanzeni focus group confirmed the stance taken by sixty-seven percent (67%) members of the community that women are allowed to speak in public and their opinions are supported by men in these traditional sittings (*Supra*: 208). They are also given an opportunity to voice their concerns. The Ehlanzeni focus group however also admitted that in some areas women are not allowed to speak at traditional sittings although allowed to attend. In such instances should a woman have an opinion she will have to say it through a male and the male will not even acknowledge that the opinion was from a woman but will instead claim it as his own. The views of the Ehlanzeni group are also supported by the majority of respondents from members of the community who participated in the study. Sixty-seven percent (67%) of the participants said women are even elected to positions within these structures (*Supra*: 208).

The Nkangala group indicated that women are not allowed to speak in traditional sittings unless they are instructed to do so. The sitting arrangement according to the group also indicated the position of women as they were expected to sit away from the men. The sitting arrangement was also observed by the researcher when administering the interview schedule. The women sat on chairs before the arrival of the men, and immediately sat on the floor on grass mats upon the arrival of the men.

The findings of the study negate what literature asserts about women not being allowed to speak in the presence of men (*Supra*: 55) because the majority of respondents indicated that women are allowed to speak at traditional sittings and are even elected to positions within traditional structures.

7.5.11 Equal sharing of household labour

The Ehlanzeni group argued that household responsibilities be shared equally between couples and in the home since both men and women are equal before the law. They however disagreed with men doing laundry and said if a man does laundry; it must be done in private so that members of the society do not see that or the man's family. The views of the Ehlanzeni group are again supported by seventy-

five percent (75%) of participants from members of the community who agree to equal sharing of household labour (*Supra*: 210).

The Nkangala group said since men paid lobola for women; it makes sense then for women to do household chores. They said men that does household labour is regarded as weak by society and women will be disrespectful should they be assisted with household chores. What was interesting about this group is that all the comments were collectively made, which included women agreeing with men.

The research findings thus negate what literature asserts about women being the only ones doing household chores because of their perceived inferior status by society (*Supra*: 46). The majority of respondents agree to equal sharing of household labour.

7.6 CONCLUSION

In this chapter an analysis of the research findings was presented. Data was collected from thirty-six (36) project officers employed by the Department of Rural Development and Land Reform. The project officers were drawn from a baseline of one hundred (100) project officers employed in the Land Claims Commission and the Mpumalanga Provincial Shared Service Centre. Data was also collected from forty-seven (47) women who have access to land within the Department of Rural Development and Land Reform. The sample was drawn from women who have access through the Proactive Land Acquisition Strategy (PLAS), Kapros, Communal land and Land Redistribution for Agricultural Development (LRAD) programmes. A sample was also drawn from one hundred and twenty three (123) members of the community in all three districts to determine attitudes towards women's land rights. Lastly, data was collected from two focus groups from Ehlanzeni and Nkangala districts.

The aim of the chapter was to evaluate the extent and nature of land ownership by women in rural areas; determine women's knowledge on legislation about their land rights; evaluate the impact of access to land by women on their economic status in terms of alleviating poverty and increasing food security; investigate challenges faced by women in accessing land; determine the effectiveness of the role of project officers in land administration with regard to women's land ownership; evaluate and

analyse societal attitudes towards women's land rights and provide a guideline model on how to improve ownership of land by women.

The chapter that follows will draw conclusions from the research findings together with literature review outlined in chapters two, three, four and five and make recommendations.

CHAPTER 8: SUMMARY, RECOMMENDATIONS AND CONCLUSION

The chapter presents the summary of the study, recommendations based on the findings and conclusion.

8.1 INTRODUCTION

This chapter draws conclusions based on the research findings and literature review on access, control and ownership of land by rural women in the Mpumalanga province. Recommendations based on the findings and literature review will also be made.

8.2 SUMMARY OF RESEARCH

The research was meant to determine access, control and ownership of land by rural women in the Mpumalanga province by looking at the role of project officers in supporting women who have access to land, the nature and extent of land ownership by women, their knowledge about legislative frameworks governing land ownership, the impact of access to land on the economic status of women, the challenges faced by women in accessing land in South Africa and societal attitudes towards women's land rights. The study was undertaken in the Mpumalanga Province and included participants from the three districts, namely Ehlanzeni, Nkangala and Gert Sibande. Four municipalities within the three districts were selected to take part in the study, namely Nkomazi, Umjindi, Mkhondo and Emalahleni. In achieving the objectives of this study, the research outlined the chapters as follows:

Chapter 1: The chapter gave a background about the aim of the study which was to investigate access to land by rural women and the impact it has in changing their livelihoods and that of the communities. The objective of the study was to evaluate the extent and nature of land ownership by women in rural areas; determine women's knowledge on legislation about their land rights; evaluate the impact of access to land by women on their economic status in terms of alleviating poverty and increasing food security; investigate challenges faced by women in accessing land; determine the effectiveness of the role of project officers in land administration with regard to women's land ownership; evaluate and analyse societal attitudes towards women's land rights; and provide a guideline model on how to improve ownership of land by women. The study intended to explore access to land by rural

women and the impact it has in changing their livelihoods and that of the communities. The study sought to give answers to questions such as the extent and nature of land ownership by rural women; the knowledge women have with regard to their land rights; the extent of the impact of access to land on the economic status of rural women; the challenges faced by women in accessing land in South Africa; the attitude of society towards women's land rights; and the effectiveness of the role of project officers in land administration with regard to women's land ownership.

Rights to land according to the perused body of literature are classified into use, control and transfer rights. These are rights to make decisions about land, deciding on the type of crops to plant, making decisions about the proceeds from the sale of planted and harvested crops and the right to sell, lease or give the land to someone through inheritance. Due to customary practices, women only have use rights because they are regarded as inferior as compared to men. Since men are regarded as heads of households, they have all the other rights to land which women are culturally denied of, hence only one percent (1%) of the world's women own land.

The perused body of literature indicates that women's access to land is mostly through male kinship such as marriage, through fathers, brothers, sons or other male relatives. Accessing land through male kinship renders women's land tenure insecure because a change in the relationship such as divorce, widowhood or when a man marries a second or third wife, or inability for a woman be unable to bear children may lead to her being banished from land. Barriers to women's access to land have also been mentioned as inheritance practices which favour males over females. Women are regarded as being in transit and are said to have the potential to enrich other clans should they have the right to land. To protect land from falling into the hands of other clans customary practices dictates that women are inherited or risk being evicted should they defy being inherited. The practice relegates women to inferior status as they are regarded as part of property to be inherited instead of human beings with full human rights.

Chapter 2: The chapter outlined the theoretical framework which underpinned the study was based on, namely feminism and the theory of change in relation to women and land ownership. Feminism is defined as awareness that women are oppressed and exploited within society and the conscious action taken by both men and women

to rectify the situation. Perused literature mentioned three waves of feminism, namely, first, second and third waves. The first wave is said to be around the 19th century and focused on women having the right to vote and gain political and legal equality. The second wave focused on fighting for rights for social and cultural inequalities in education, workplace, fertility and health. This wave was successful because as it led to the passing of legislation preventing discrimination against pregnant women, the right to education and criminalisation of marital rape. The third wave began in the 1990s had an influence on politics and demolition of stereotypes about the portrayal of women by the media.

Seven (7) perspectives on feminism such as the Marxist, socialist, radical, liberal, eco-feminism, masculinity and intersectionality were discussed. According to the Marxist perspective women are oppressed and exploited because men are socialised to view their exploitation and oppression as normal. Men regard women as servants because women perform unpaid labour whilst men are involved in economic activities. The Socialist perspective blames patriarchy for the subordination of women. Subordination is said to be caused by patriarchy because men are regarded as intelligent, strong and having leadership skills whilst women are defined along the lines of domestic work. According to the socialist perspective, the male-dominated gender order is entrenched in religion, economy, education, class, culture, politics and the environment. The radical perspective regards men as enemies of women because they are able to impregnate women. Marriage is regarded as an institution used by men to exploit and oppress women. According to the radical perspective, women's oppression continues because women accept the status quo and in turn enables them to oppress each other. The liberal perspective argues that prejudice against women is based on ignorance and that men can change through awareness raising on the exploitation and oppression of women. Masculinity perspective criticises feminism for projecting men as aggressive and hostile. It advocates for the recognition of men who fight for the liberation of women. Feminism is blamed for creating unnecessary friction between men and women by portraying singular view of men. Intersectionality calls for a deeper analysis of aspects such as gender, race, class, disability, age, ethnicity, educational level, etc., when looking at women.

Feminism theory recognises social institutions of dominance such as the economy, political system, family and religion. Women's low literacy levels are said to be a barrier towards women participating in the broader economy. Even though they are responsible for food production world-wide, women however do not take part in decision making with regard to land but are rather viewed as a cheap supply of labour for men. Customary practices which do not allow women to engage with men in public or take part in structures that deal with land and other economic resources are blamed for the non-involvement of women in the economy. The unequal distribution of household labour which causes time poverty for women is also said to contribute to the non-involvement of women in the economy. Women are said to be poorly presented in political structures which is caused by cultural practices preventing them from taking part in decision making structures. The involvement of women in these structures would also give them the opportunity to influence policy for their advancement.

The family as an institution is asserted to be responsible for the construction of gender roles which subordinate women. The family is blamed for placing value on boy than girl children. Whilst boys are taught to be independent and given roles that build their confidence and independence, girls are taught to be dependent on boys and given nurturing roles which asserts their subordination in society.

The aim of the pathways theory of change is to address underlying causes of poverty and women's exclusion by ensuring a transparent distribution of power dynamics and actions to be taken to address inequality. It focuses on domains of change such as capacity, productivity, household influence, enabling environment and access to resources. The theory advocates for the empowerment of women through skills, new technologies and new farming systems in order to improve farm yields. Access to economic resources such as land and credit enables women to influence household division of labour. The theory motivates for a change in policy development and implementation of law to create an environment where women can articulate their needs and participate in decision making structures. Extension services need to take women's productive and reproductive roles into consideration so that women can have equal access to skills on the same level with men.

Chapter 3: The chapter dealt with the role of international treaties on land and gender equality in terms of treaties regarding women's human rights and access to land. Treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its provisions with regard to land, the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), the African Charter on Human and Peoples' Rights (ACHPR), Beijing Platform for Action (BPA) and the Millennium Development Goals (MDGs).

CEDAW is regarded as the international Bill of Rights for women as it summarises a plethora of treaties that came into existence before its promulgation in 1979. The provisions of certain articles of CEDAW with regard to the right to land were discussed in this chapter. CEDAW puts emphasis on the abolishment of cultural practices that discriminate against women such as women's ability to form part of decision making structures by not allowing women to engage with men in public. States are encouraged to eliminate discrimination against women by allowing them to participate in and benefit from rural development initiatives. Since most women are said to only access land through male kinship, CEDAW calls for States to take measures to eliminate discrimination against women in matters relating to marriage and family relations with regard to the acquisition, management, administration, disposition and enjoyment of property. CEDAW is used by many countries to interpret constitutional and inheritance rights of women during disputes. Most countries revised their land reform legislation and put in place new legislation that empowers women to access economic resources like land hence CEDAW played a major role in the inclusion of the equality clause in the South African Constitution. On the 15th December 1995 South Africa ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Millennium Development Goals (MDGs) of 2000, the International Covenant on Civil and Political Rights (ICCPR) of 1998, International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1994, the African Charter on human and People's rights of 1996 and the Beijing Platform for Action (BPA) in 1995 thus committing itself to advance gender equality.

The International Covenant on Civil and Political Rights (ICCPR) also addresses inequalities with regard to marriage relations and encourages States to abolish

customary laws that prohibit women's access to land such as inheritance practices that disallow women to inherit on equal basis with men. The International Covenant on Economic, Social and Cultural Rights (ICESCR) protects women from being evicted from land. The Covenant calls for States to prosecute offenders or perpetrators of land grabs. The African Charter on Human and People's Rights (ACHPR) also emphasizes equality of sexes before the law. It calls for the establishment of structures to protect women's human rights and the enforcement of laws to protect women. It also recognizes women's human rights to equitable sharing of joint property in cases of separation, divorce or annulment of marriage. The Beijing Platform for Action emphasizes the protection of women's human rights, eradication of poverty, promotion of women's economic independence and equal access to productive resources such as land. It has twelve (12) critical areas and four of them were selected due to their bearing on women and access to land. The four (4) critical areas are; inequalities and inadequacies in and unequal access to education and training; inequalities and inadequacies in in and unequal access to health care and related services and violence against women; inequality in economic structures and policies in all forms of productive activities and inequality between men and women in sharing of power and decision making at all levels.

The Millennium Development Goals (MDGs) has eight (8) goals which are about the promotion of gender equality and empowerment of women in order to combat poverty. Five (5) out of the eight (8) goals, namely, eradication of poverty, achieving universal primary education, promotion of gender equality, child mortality and combating HIV/AIDS were selected for discussion as they had a direct bearing on women and access to land. According to the MDGs, access to land as an economic resource has the ability to eradicate poverty and hunger at household and community levels. The inclusion of women in decision making structures, eradication of cultural biases that discriminate against women is encouraged. The low literacy levels amongst women is said to be caused by cultural biases that favour boy children's education above girls'. Girl children are said to be less likely to finish primary school because they have to take care of household chores such as fetching water, taking care of sick family members and collecting fire wood. Access to economic resources such as land is said to increase women's bargaining powers at

household and community levels and has potential to reduce violence against women by improving women's autonomy.

Even though there is a plethora of treaties for the abolishment of all forms of discrimination against women, the discrimination and violation of women's human rights with regard to access to land, like customary practices which affects how women participate in political and social spheres, the implementation of the obligations as stipulated in the treaties still remain a huge challenge.

Chapter 4: The chapter outlined the South African perspective on land reform with regard to the Constitution of the Republic of South Africa, 1996, the establishment of chapter nine institutions such as the Commission for Gender Equality (CGE), the South African Human Rights Commission (SAHRC) and the Promotion of Equality and the Prevention of Unfair Discrimination Act No 4 of 2000.

Attention was paid to the role of racial segregation on access to land dating to the arrival of Dutch settlers in the Cape of Good Hope. South Africa suffered from racial discrimination which saw black people being moved from their land by the apartheid regime. The era came up with legislation to oppress black people such as the infamous Land Act No 27 of 1913 which was aimed at setting aside land regarded as Native Reserves where black people were only restricted to eight percent (8%) of the land. The aim was to allocate more land to white people and the end result was poverty that drove black people to work on mines and white owned farms thus creating a pool of cheap labour for white farmers. The Democratic dispensation of 1994 changed the racially biased laws to allow the black population to access land. Discussions in this chapter centred around the Constitution of the Republic of South Africa 1996 with particular emphasis on section 25 which governs land reform in South Africa and the Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000 (PEPUDA). The South African Constitution of 1996 prohibits discrimination on the basis of sex, gender, age, pregnancy, disability, sexual orientation, marital status, language, social origin, culture and religion, conscience and belief and also includes non-sexism on the Bill of Rights. The key sections on the South African Constitution that have implications on the rights of women are; section 9 which deals with freedom from unfair discrimination on the basis on gender and the right to equality; section 15 on freedom of religion, belief and opinion and

recognises customary and religious practices but stresses that they should be compliant with the Constitution; section 25 which deals with the right to property; section 26 which deals with the right to adequate housing; section 29 on the right to basic education, this includes basic adult education; and section 34 which deals with the right to access to courts.

The Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000 prohibits unfair discrimination on the grounds of gender and sex both in the public and private spheres, with emphasis on relations, employment, land rights and social benefits. The act calls for both government and private sector to come up with action plans indicating how gender equality plans will be implemented and measured.

Six (6) independent institutions were established to monitor the implementation of the Bill of Rights in the constitution and two of those institutions are relevant to women's human rights and they are the Commission for Gender Equality (CGE) and the South African Human Rights Commission (SAHRC). The Commission for Gender Equality's role is to check compliance of the country with international, regional treaties and local legislation with regard to human rights. The South African Human rights Commission (SAHRC) was established to promote the protection, development and attainment of human rights. The role of the Commission is to investigate and report on the observance of human rights, take steps and secure appropriate redress in case of human rights violations, carry out research and do awareness campaigns on rights and responsibilities of South African citizens. There are however challenges that are faced by the commission which include budgetary constraints due to underfunding, the location of the offices which are in urban areas and thus making the commission to be inaccessible to the poor or people in rural areas and the monitoring of adherence to ratified treaties caused by staff shortages.

Chapter 5: The chapter provided an analysis of the role of Public Administration environment in relation to power and resource sharing, previous and contemporary law in relation to women and access to land in South Africa. Previous and contemporary laws governing marriage and property such as the Natal Code of Native Law No 19 of 1891, the Black Administration Act No 38 of 1927 and the Recognition of Customary Marriages Act No 120 of 1998 were discussed. The

chapter also outlined women and the land reform programme in South Africa with regard to restitution, redistribution and tenure reform programmes.

Public Administration is defined as a combination of theory and practice designed to promote better understanding of government and its relationship with the society it governs. It is sustained by power and influences the distribution of resources. Public Administration is viewed as masculine due to the distribution of resources which is based on gender. The under representation of women in decision making positions in the private and public sphere is said to be an indication of how power and the distribution of resources can impact on women and access to economic resources such as land. In order to address imbalances, the South African government implemented the 8 principle action plan for promoting women's empowerment and gender equality within the Public Service through the Department of Public Administration (DPSA).

South Africa has made great strides in terms of legislation that promote gender equality by repealing laws that governed marriage and women's access to land before the 1994 Democratic dispensation. The Natal Code of Native Law No 19 of 1891 regarded men as heads of household and gave them absolute powers to own property, including women and children who were regarded as part of property. The Black Administration Act No 38 of 1927 also regarded women as minors and discriminated against them with regard to inheritance. Women did not have a right to inherit property and could not enter into any legal contracts without the consent of their husbands or any male person. The KwaZulu Act on the Code of Zulu Law No 6 of 1981 which governed customary marriages in the then homeland of KwaZulu also regarded women as minors under the control of family heads who were males. After the African National Congress came into power in 1994 new legislation was enacted to protect women married through customary law through the Recognition of Customary Marriages Act No 120 of 1998. The act accords both men and women equal status within marriage. On dissolution of marriage or upon the death of a husband, women can inherit half the estate, depending on whether the marriage was or in community of property. Under the act, women can acquire assets and dispose of them on equal basis with men.

In order to enable the majority of black people including women to access land, the Constitution of the Republic of South Africa recommended three pillars of land reform, namely, restitution, redistribution and tenure reform. Restitution is aimed at returning land or giving compensation to those disposed of their land due to racially biased laws. The programme however benefited men than women because men were still regarded as heads of households hence women were relegated to minor status. This meant that heads of households were the ones who made land claims than women. The redistribution programme offered grants such as the Settlement Land Acquisition (SLAG) and Land Redistribution for Agricultural Development (LRAD) programmes. Although grants offered by government to allow both men and women to buy land, the requirements were that some form of contribution was supposed to be made by the applicant which included money or livestock. Since women were not heads of households and it was men who earned a living by working on farms or mines, the requirement made it impossible for women to buy land in their own names. Tenure reform is aimed at securing the tenure reform of farm dwellers and labour tenants. It is governed by the Communal Land Rights Act No 11 of 2004 and the Extension of Security of Tenure Act No 62 of 1997.

The Communal Land Rights Act No 11 of 2004 is aimed at providing secure tenure of communal land and encourages the establishment of Land Administration Committees of which a third is supposed to be women. The shortcoming of the act is that it indicates that women can be chosen into the structure by a senior leader whilst men are elected. Since patriarchal customs dictate that women not participate in traditional gatherings or form part of traditional structures, their inputs may not be taken into consideration. Women's security of tenure is also deemed insecure under the Extension of Security of Tenure Act No 62 of 1997 because even though the act makes provision for providing security of tenure for farm workers and dwellers, women's tenure on white owned farms is dependent on their husbands. Even though the act criminalises eviction of women and children when husbands lose their jobs, evictions still occur.

Chapter 6: The chapter dealt with the presentation of the research design applied in the study. A qualitative research design was applied in this study because of the rich narratives, experiences and ideas shared by respondents. A case study method

was utilised to explore access to land by Mpumalanga rural women. Record from the Department of Rural Development and Land Reform, NGOs dealing with land, research done on access to land and other documents were studied. The study was undertaken in Mpumalanga Province and included respondents from the three districts, namely, Ehlanzeni, Gert Sibande and Nkangala. The population of the study was women who have accessed land within the Department of Rural Development and Land Reform, project officers employed by the Department of Rural Development and Land Reform working with land issues and members of the community in all three districts. A combination of purposive sampling method was utilised to draw a sample. Data was collected from thirty-six (36) project officers employed by the Department of Rural Development and Land Reform. The project officers were drawn from a baseline of one hundred (100) project officers employed in the Land Claims Commission and the Mpumalanga Provincial Shared Service Centre. Data was also collected from forty-seven (47) women who have access to land within the Department of Rural Development and Land Reform. The sample was drawn from women who have access through the Proactive Land Acquisition Strategy (PLAS), Kapros, Communal land and Land Redistribution for Agricultural Development (LRAD) programmes. A sample was also drawn from one hundred and twenty three (123) members of the community in all three districts to determine attitudes towards women's land rights. Lastly, data was collected from two focus groups from Ehlanzeni and Nkangala districts. Data was collected through a semi-structured interview schedule.

Data was analysed by using summary forms to summarise interviews and focus group discussions. To test the validity of the study a small sample was drawn to check if the interview schedule yielded the required information. Ethical considerations such as voluntary participation, privacy/confidentiality/anonymity, protection from harm and referral protocol were adhered to. Four (4) projects owned by women were referred to the Chief Director – Provincial Shared Service Centre for further handling. The study contributed to academic and empirical setting of research in terms of adding value to the scientific community in terms of knowledge on women and access to land as well as assisting the Departments of Rural Development and Land Reform and Rural Development and Land Administration in

developing new policies and the implementation of existing ones for the advancement of women.

Chapter 7: The chapter presented the conclusion drawn from the research basing it on literature reviewed and the findings of the study. The aim of the chapter was to evaluate the extent and nature of land ownership by women in rural areas; determine women's knowledge on legislation about their land rights; evaluate the impact of access to land by women on their economic status in terms of alleviating poverty and increasing food security; investigate challenges faced by women in accessing land; determine the effectiveness of the role of project officers in land administration with regard to women's land ownership; evaluate and analyse societal attitudes towards women's land rights and provide a guideline model on how to improve ownership of land by women.

Project officers' roles in relation to land from those appointed within the Land Claims Commission were indicated as involving the processing of land claims, raising awareness on land rights and the handover of claimed land. Project officers employed within the Provincial Shared Service Centre indicated that they are responsible for buying and leasing bought land to women and men, assisting land owners to apply for recapitalisation funds, assisting land owners with infrastructure such as piggeries, roads and fencing, facilitating the development of enterprises and linking projects with markets. The majority of project officers indicated that their roles were effective despite the fact that women were still under represented in land structures such as the Communal Property Associations. They said women formed part of CPA structures even though women were only elected in positions such as secretaries which are non-decision making positions.

The Department of Rural Development and Land Reform has no programmes that specifically target women to access land. Women compete for access to land on equal basis with men. The majority of women who accessed land within the department did so through the Women in Agriculture and Rural Development (WARD) programme which was run by the Department of Agriculture Rural Development and Land Administration. The group dynamics which are mostly experienced in women led projects was due to the fact that women had to form co-operatives in order to access land through WARD, a phenomena that is rarely

existent in men led projects. The fact that women are found most in co-operatives is said to disrupt project progress as more time is said to be spent on conflict management than project work. Most women who accessed land within the Department of Rural Development and Land Reform did so through the Proactive Land Acquisition Strategy (PLAS) and Land Redistribution for Agricultural Development (LRAD). The lease period was five years previously but has been increased to thirty years.

The majority of project officers viewed women as having the potential succeed in land use provided they accessed opportunities on par with men. The low literacy levels amongst rural women was indicated to be a barrier in them accessing land, acquiring new skills and using new technologies to improve their farm yields. Women's reproductive roles were not taken into consideration when planning land related matters and that impact on the full participation of women due to time constraints caused by reproductive roles.

The findings indicate that the majority of women in Mpumalanga are aware of legislation governing land ownership and their rights as enshrined in the constitution including land reform programmes such as restitution, redistribution and tenure reform. The Department of Rural Development and Land Reform has done extensive work in creating awareness around its programmes.

Access to land has had a positive impact on women as they are able to feed their children, take them to school, build homesteads, gain financial independence and access to land has increased their bargaining powers at household and community levels. The findings indicate that access to land has increased women's involvement in decision making structures.

The process of acquiring land is however mentioned as not being easy for women, especially those who live in rural areas. The majority of women indicated that even though they were aware of the land reform programmes, they however did not know the actual process of acquiring land. Some of those who knew how to access land indicated that the requirements for accessing land were not fair for women as they did not have collateral in a form of money or livestock thus competing on equal footing with men put them in a disadvantaged position.

Access to reproductive resources to increase their yields such as credit was indicated as a barrier towards women growing into commercial farming. Women complained that the allocation of recapitalisation funds was more biased against women than men. They said more men led projects were funded than women led projects. According to the findings of the study, government's efforts to support women who have access to land were viewed in a positive light. Government was said to provide training, seeds, fertilisers and also borrowing women tractors to plough their fields. The findings of the study indicate that the majority of women were supported by their male family members on their farms, and support was in a form of money or physical labour.

According to the findings of the study, society's attitudes on the equal sharing of power and decision making between men and women was positive. There was however some incongruence because society felt that women's access to land had a potential to cause conflict in marriage and other relationships. The findings indicate that despite the awareness of women's human rights in terms of equality, there are still fears about changing the social order of society.

The majority of the community members agreed that women should inherit property on equal footing with men. There was still a minority of members who still felt that women should not inherit as they had the potential to enrich other clans and felt that first born male children should inherit.

The findings of the study indicated that societal attitudes towards women forming part of political, traditional or other structures that deal with land were positive. In most cases women are now allowed to speak in the presence of men and are even elected to positions within the very same structures. The majority of members of the community also agreed to the equal sharing of household labour to allow women to take part in economic activities.

8.4 RECOMMENDATIONS

The recommendations in this study are based on the findings of the study and the body of literature reviewed and presented in chapters two, three, four and five. The recommendations are made to the Department of Rural Development and Land

Reform to advise regarding the equitable sharing of resources for both men and women.

8.4.1 Representation of women within CPA structures

The Communal Property Associations Act No 28 of 1996 was enacted in order to enable communities to form juristic persons, to be known as communal property associations in order to acquire; manage property on a basis agreed to by members of a community in terms of a written constitution; and to provide for matters connected therewith. The act is however not gender sensitive because it does not specifically target that women be elected in leadership positions within CPA structures to take into account the position of women in society which is based on patriarchal order. The Department of Rural Development and Land Reform has made a ruling that the composition of CPAs should include women and as such when elections are done, women are elected into the structures so there is a representation of women as a group. The findings of the study however indicate the lack of representation of women in decision-making positions within the CPA structures, making it difficult for women to have their needs articulated and making sure that developmental initiatives take their needs into account. Women that are elected within the CPA structure are elected to secretarial positions which are not decision making positions instead of chairperson position. For women to have access to land there is a serious need to change norms and practices that discriminate against women to in order to create an enabling environment for women to access land. This should involve the inclusion of women in important structures that determine how resources such as land are distributed. According to Mutangadura (2011:13), Rao (2011:8) and the UN (2009:23), the lack of women's representation in decision making structures impedes women's involvement in development initiatives.

It thus recommended that the Department of Rural Development and Land Reform establish a policy that will make provision for the election of women in leadership positions and not secretarial. There should an establishment of programmes for mentoring elected women to empower them with skills. The Department of Rural Development and Land Reform should also develop an action plan to train project officers on gender mainstreaming when doing projects in order to influence change

and uplift the position of women in society. Awareness should be raised on the education of communities within CPA about women's human rights.

8.4.2 Creation of programmes specifically targeting women to access land within the Department of Rural Development and Land Reform.

The Department of Rural Development and Land Reform has no specific programmes targeting women in terms of access to land according to the findings of the study. This is evident in the poor collection and record keeping of sex desegregated data. This makes it difficult to gauge the extent of access to land by women (*supra*: 101). The provincial strategic and operational plans do not have indicators that talks to provision of land to women or people with disabilities as a group. Their access to land is left to chance hence any information available on women who have access to land is based on women who accidentally accessed land and not that they were specifically targeted to access it.

It is thus recommended that senior managers who are responsible for land allocation and their project officers have an indicator that talks to the provision of land to women and people with disabilities, and also report on statistics of women who have accessed land and other services offered by the department.

For members of the community to get access to land they are required to have collateral in a form of money or livestock and since most women do not have such, they stand little chance of getting land. When applications for land are made, the Department of Rural Development and Land reform consider applicants who have livestock, farm implements or savings unlike applicants who have nothing. The collateral is required by government so that people who are already involved in agriculture can continue working and get land for their livestock because such people are not going to wait for government to provide financial assistance. A large number of women live in poverty and as such expecting women to have collateral from women is unfair as the majority of women would not have any. The findings confirm that women are not able to compete with men on the same level due to the fact that women also perform reproductive roles which keeps them away from participating in the economy on equal footing with men (*supra*: 45).

It is thus recommended that the criteria for access to land got through PLAS be not the same as men because women cannot compete with men when applying for land. Most women do not have collateral even though they are involved in farming on a small scale. Most of the women who have collateral got it as inheritance from deceased spouses, fathers and even father-in-laws.

8.4.3 Access to financial support

According to the findings of the study, farms belonging to women are more likely to lie fallow due to difficulty in accessing credit even though financing is offered within the department. This is because the low status of women in society dictates that they face a lot of constraints such as the inability to access resources like finances because they are thought to be incapable (*Supra*: 36). When looking at recapitalization statistics from the Department of Rural Development and Land Reform, most projects financed belong to men. Land would not have a positive impact on women's lives if there is no equal agricultural input (*Supra*: 13). Women feel discriminated against by project officers who are said to prioritize recapitalization funds for men than women led projects. This assertion is also supported by the response from project officers where it is confirmed that access to recapitalisation funds by women was very low as compared to men. Access to credit enables women to buy farm implements in order to increase production of their land (*Supra*: 43).

It is recommended that recapitalization funds be distributed equitably between female and male led projects to enable women to benefit from the land. Women have always been involved in agriculture albeit not on a commercial scale and they have been responsible for household and community food security (*Supra*: 36).

8.4.4 Access to markets

When asked whether they have access to markets for their produce, fifty-seven percent (57%) of the women who have access to land indicated that they did not have markets for their produce. Only percent (27%) of the women had access to markets. The inability of women to access markets mean that the land that is given to them is useless since it does not empower them financially. The Department of Rural Development and Land Reform has a branch Rural Enterprise and Industrial Development (REID) that is responsible for linking projects with markets and

unfortunately nothing is being done for projects including women led projects at the moment.

It is recommended that the branch Rural Enterprise and Industrial Development work hard to link projects with markets so that those who access land can benefit from it.

8.4.5 Access to training

Extension services are important for women since they also need to learn new skills and techniques to improve their yields. Some project officers said women had problems attending trainings that took them away from home for long periods because that created problems in their households. Husbands would often not be happy if women are away from home for long periods. The unequal division of household labour has been quoted as having a negative impact on women participating in the economic sphere because they have to divide their time between productive and reproductive work. The findings confirm the stance of project officers' allegations of the reluctance of women attending trainings that took them away from performing their reproductive roles (*Supra*: 41). Training should consider productive and reproductive responsibilities of women.

It is recommended that trainings take into account women's reproductive roles by arranging trainings near where women are stationed and during times that are suitable for women to enable them to do reproductive work such as fetching water, firewood, cooking and taking care of children.

8.4.6 Alignment of women's literacy levels to extension services

Women's literacy levels are said to affect land production when introducing new techniques and skills to farmers, women struggled to catch up especially if the pace is fast. This then compels trainers to lower their pace and change the training modules so they suit women which are time consuming and since they work according to deadlines, it becomes cumbersome to train women. According to project officers who participated in the study, women's low literacy levels affected their inability to grasp new techniques to improve production. Commercial farming involves access to markets few women with low literacy levels will struggle due to the cut-throat nature of markets. One of the requirements for one to survive in commercial farming is said to be financial literacy which most women do not have

and are struggling to grasp. The findings of the study confirm that women's low literacy levels do have an impact on improvement of land production. Most of the women (34) who have accessed land within the Department of Rural Development and Land Reform have low literacy levels because seventeen (17) of them have never been to school and the another seventeen (17) only have grade 1 until grade 7. It is thus recommended that trainings be tailor-made for women in order to make trainings or programmes suit the educational levels.

8.4.7 Formation of co-operatives by women in order to access land

A few project officers (8) indicated that they were reluctant to work with women because of infighting within project. This is said to affect the performance and progress of a project as more time is spent on conflict management than the real work. According to the findings of the study, the majority of women accessed land by forming co-operatives which may be the reason for infighting within women's projects. The Department of Agriculture used the Women in Agriculture and Rural Development (WARD) as a strategy to give women land; hence most of the co-operatives that the Department of Rural Development and Land Reform work with are women who benefitted through WARD. The group dynamics within co-operatives may be the cause of how women are viewed by project officers. Men may be viewed differently because most farms led by males are individually owned as compared to women.

It is recommended that the strategy of asking women to form cooperatives whereas men are not asked to should be re-evaluated for its impact as it has a negative impact on women as compared to men. This is the cause of infighting within projects, especially if the group is big. It is therefore recommended that more women be selected to access land individually than in a group.

REFERENCES

- Adams, M. 2000. *Evaluation of ODA to the Land Sector*. Department for International Development: London.
- African Development Bank. 2002. *Achieving the Millennium Development Goals in Africa: Progress, Prospects, and Policy Implications*. African Development Bank: Abidjan.
- African Union, Economic Commission for Africa, African Development Bank. 2010. *Land Policy in Africa: Southern Africa Regional Assessment*. ECA Publications and Conference management Section: Addis Ababa.
- Agarwal, B. 2002. *Are we not Peasants too? Land Rights and Women's Claims in India*. The Population Council Inc: New York.
- Agarwal, B. 2002a. "Bargaining" and legal change: toward gender equality in India's *Inheritance Laws*. Institute for Development Studies: England.
- Agarwal, B. 2003. Gender and Land Rights Revisited: Exploring New Prospects via State, Family and Market. *Journal of Agrarian Change*. 3(1-2):184 - 224
- Agarwal, B. 1994. Gender and command over property: A critical Gap in Economic Analysis and Policy in South Asia. *World Development Journal*. 22(10): 1455 - 1478.
- Alasuutari, P. 1996. Theorizing in Qualitative Research: A Cultural Studies Perspective. *Qualitative Enquiry*. 2(4): 371 - 384.
- Albertyn, c. 2009. "The Stubborn Persistence of Patriarchy". *Gender Equality and Cultural Diversity in South Africa*. Constitutional Court Review.

Annadale, E, Clark, J. 1996. What is gender? Feminist theory and the sociology of human reproduction. *Sociology of Health & Illness*. United Kingdom. 18(1): 11 - 44.

Arat, Y. 2010. Religion, Politics and Gender Equality in Turkey: implications of a democratic paradox?. *Third World Quarterly*. 31(6):869 - 884.

Ayoade, A,A. 2012. *Attitude of women farmers towards agricultural extension services in Ifelodun local government area, Osun State*. Department of Agricultural Economics and Extension, Ladoke Akintola University of Technology. *American Journal of Social and Management Sciences*. 3(3): 99 - 105.

Barsted, L. 2005. *Brazil: The legal status of women in the context of Agrarian Reform*. In Gender and Land Compendium of Country Studies. Ed Garcia-Frias, Z. FAO Gender and Natural Resource Management: Rome.

Bearfield, D.A. 2009. Equity at the Intersection: Public Administration and the Study of Gender. *Journal of Public Administration Review*. 69(3): 383 - 386.

Berge, E, Kambewa, D, Munthali, A, Wigg, H. 2014. *Lineage and land reforms in Malawi: Do matrilineal and patrilineal landholding systems represent a problem for land reforms in Malawi?* *Land Use Policy* 41: 61 - 69.

Bezabih, M, Holden, S. 2010. *The Role of Land Certification in Reducing Gender Gaps Productivity in Rural Ethiopia*. Environment for Development. University of Portsmouth: Portsmouth.

Bhalotra,S, Chakravarty, A. 2013. *Property Rights and Gender Bias: Evidence from Land Reform in West Bengal*. University of Essex: Colchester.

Bhattacharjee, A. 2012. *Social Science Research: Principles, Methods and Practices*. University of South Florida: Florida

Blackden, M, Canagarajah, S, & Lawson, D. 2006. *Gender and growth in sub-Saharan African. Issues and Evidence*. United Nations University - World Institute for Development Economics Research: Helsinki.

BRIDGE: Development – gender. 2001. *Briefing paper on the feminization of poverty*. Institute of Development Studies. University of Sussex: Brighton.

Brown, C.K. 1994. *Gender Roles in Household Allocation of Resources and Decision-making in Ghana*. Family and Development Programme. University of Ghana: Accra.

Borrego, EA, Johnson, RG III. 2013. Has Public Administration Grown up? A case for sexual orientation/gender identity and the intersection of Public Administration in the 21st century. *Journal of Public Management and Social Policy*. 19(1): 1 - 4.

Bosch, A. 2011. *The South African for People Practices*. Women's report, SABPP and University of Johannesburg Publishers: Johannesburg.

Budlender, D. 2011. *Gender Equality and Social Dialogue in South Africa*. Industrial and Employment Relations Department and Bureau for Gender Equality. International Labour Organisation: Geneva.

Budlender, D, Alma, E. 2011. *Women and Land. Securing Rights for Better Lives*. International Development Research Centre Publishers: Ottawa.

Budlender, D. 2013. Women, marriage and land: findings from a three-site survey. *Acta Juridica: Marriage, land and custom*. 1(1): 28 - 48.

Bunjun, B. 2010. Feminist Organizations and Intersectionality. Contesting Hegemonic Feminism. *Atlantis*. 34(2): 115 - 126.

Button, K. 2014. *South Africa's system of dispute resolution forums: The role of the family and the state in customary marriage dissolution*. Centre for Social Science Research. University of Cape Town: Cape Town

Byrnes, A, Freeman, M. 2011. The Impact of the CEDAW Convention: Path to Equality. World Bank: Washington DC.

Carter, C. 2013. What's Feminism Got to Do with It? Examination of Feminism in Women's Everyday Lives. *Journal of Feminist Scholarship*. University of Regina. 1(5): 1- 20.

Chakarova, V. 2003. *Development of gender relations in the context of social transformation: The case of Bulgaria*. Thesis. Centre International Formation Europeenne: Nice

Centre for the Study of Violence and Reconciliation, People Opposing Women Abuse, Western Cape Network on Violence Against Women. 2011. *South African Shadow Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women: Johannesburg*.

Claassens, A. Mnisi, S. 2009. Rural women redefining land rights in the context of living customary law. *The South African Journal on Human Rights*. 25(3): 491- 516.

Claassens, A. 2005. Women, customary law and discrimination: the impact of the Communal Land Rights Act. *Acta Juridica*. 1(1): 42- 81.

Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW). 1979.

Collett, K, Gale, C. 2009. *Training for Rural Development: Agricultural and Enterprise Skills for Women Smallholders*. Clay, S. (ed). City & Guilds Centre for Skills Development: London.

Coetzee, D. 2001. South African education and the ideology of patriarchy. *South African Journal of Education*. Department of Philosophy and Policy Studies in Education, University of the Free State, South Africa. 21(4): 300 - 3004.

Coleman, J. 2009. An Introduction to Feminism in a postfeminist age. Women's Studies Association of New Zealand. *Women's Studies Journal*. 23(2): 3 - 13.

Cotula, L. 2002. *Gender and Law: Women's Rights in Agriculture*. FAO Legislative Study 76. Food and Agriculture Organisation: Rome.

Coetzee, W.A.J. 1988. *Public Administration: A South African Introductory Perspective*. JL Van Schaik Publishers (Pty) Ltd: Pretoria.

Commission for Gender Equality. 2010. *South Africa's compliance with the Beijing Declaration and Platform for Action*. CGE Communications Unit: Johannesburg.

Constitution of the Republic of South Africa. 1996. Government: Pretoria.

Connell, R.W, Messerschmidt, J.W. 2005. Hegemonic Masculinity: Rethinking the concept. *Gender & Society*. 1(19): 829 - 859.

Conway, J. 2011. Activist knowledges on the anti-globalization terrain: transnational feminisms at the World Social Forum. *Interface: a journal for and about social movements*. 3(2): 33 - 64.

Crespi, I. 2003. *Socialisation and Gender Roles within the family: A study of adolescents and their parents in Great Britain*. Department of Sociology. Catholic University of Milan: Milano.

Cousins, B. & Hall, R., 2011. *Rights without illusions: The potential and limits of rights-based approaches to securing land tenure in South Africa*. Institute for Poverty, Land and Agrarian Studies: Cape Town.

Cousins, B. 2013. Women's land rights and social change in rural South Africa: the case of Msinga, KwaZulu-Natal. *Acta Juridica*. Institute for Poverty, Land and Agrarian Studies. 1(13): 73 - 9.

Davis, K. 2008. Intersectionality as buzzword. A sociology of science perspective on what makes a feminist theory successful. *Feminist Theory*. 9(1): 67 - 85.

Dawson, C. 2009. *Introduction to Research Methods. A practical guide for anyone undertaking a research project*. 4th Edition. How to Books Ltd: United Kingdom.

Deininger, K, Goyal, A, Nagarajan, H. 2010. *Inheritance Law Reform and Women's Access to Capital: Evidence from India's Hindu Succession Act*. World Bank Policy Research Working: Washington DC.

Deere, C.D, Doss, C.R. 2006. The Gender Asset Gap: What do we know and why does it matter? *Feminist Economics*. 12(1-2):1 - 50.

DeHart-Davis, L, Marlowe, J, Pandey, S.K. 2006. Gender Dimensions of Public Service Motivation. *Public Administration Review*. 66(6): 873 - 887.

Department for International Development. 2005. *Girls' education: towards a better future for all*. Department for International Development Publishers: Glasgow

Department of Rural Development and Land Reform. 2015. *Circular No 66*: Pretoria.

Department of Rural Development and Land Reform. 2015. *Communal Property Associations Compliance Report*. Land Tenure Unit: Mpumalanga Province.

Department of Rural Development and Land Reform. 2013. *A report on consultations with Nkomazi Community on the Recognition of Customary Marriages*: Pretoria.

Department of Rural Development and Land Reform. 2015. *Provincial Land Audit Report*. Pretoria.

Department of Labour. *Commission for Employment Equity Annual report 2012-2013*: Pretoria.

Department of Women, Children and People with Disabilities. 2015. *The Status of Women in the South African Economy*: South Africa.

DE Vos, A.S, Strydom, H, Fouche, C.B. & Delport, C.S.L. 2005. *Research at Grass roots. For the Social Sciences and Human Service Profession*. 3rd Edition. Van Schaik Publishers: South Africa.

Domingo, P. 2013. *Property Rights and Development: Property Rights and Social, Political and Economic Empowerment*. Overseas Development Institute: London.

Dowd, N.E. 2008. Masculinities & Feminist Legal Theory. *Wisconsin Journal of Law, Gender and Society*. 23(2): 201 - 245.

Dowd, N.E. 2010. Asking the man question: masculinities analysis and feminist theory. *Havard Journal of Law & Gender*. 1(3): 415 - 430.

Downes, A, S. 2005. *Progress Towards Achieving the Millennium Development Goals in the Small States of the Commonwealth*. A report prepared for the Commonwealth Secretariat: London.

Duncan, B.A. Brants, C. 2004. *Access to and control of land from a gender perspective: A study conducted in the Volta Region of Ghana*. SNV Netherlands Development Organisation (Ghana Office), the FAO Regional Office for Africa and WiLDAF Ghana.

Dustin, M. 2012. Deference or Interrogation? Contrasting Models for Reconciling Religion, Gender and Equality. *Religion and Gender*. 2(1):9 - 35

Du Plessis, W. 2011. African Indigenous Land Rights in a Private Ownership Paradigm. *Potchefstroom Electronic Journal*. 14(7): 45-69.

Economic Commission for Africa (ECA). 2004. *Land Tenure Systems and their impact on Food Security and Sustainable Development in Africa*: Addis Ababa.

Eagly, A.H, Karau, S.J. 2002. The Role Congruity Theory of Prejudice Towards Female Leaders. *Psychological review*. 109(3):573 - 598.

Ellis, A, Cutura, J, Dione, N, Gillson, I, Manuel, C, Thongori, J. 2007. *Gender and Economic Growth in Kenya. Unleashing the Power of Women*. The International Bank for Reconstruction and Development. World Bank: Washington DC.

FAO. 2002. *Land Tenure and Rural Development*. FAO Land Tenure Studies. Food and Agriculture Organisation of the United Nations: Rome.

FAO. 2005. *Convention of the Elimination of all forms of Discrimination Against Women. Guidelines for reporting on Article 14*. Food and Agriculture Organisation of the United Nations: Italy.

Federici, S. 2008. Witch-hunting and feminist solidarity in Africa Today. *Journal of International Women's Studies*. Bridgewater State University. 10 (11):21 - 35.

Federici, S. 2011. Women, land struggles and the reconstruction of the commons. *The Journal of labour and society*. Immanuel Ness and Wiley Periodicals, Inc. 14(1): 41-56.

Fineman, M.A. 2013. Feminism, Masculinities and multiple identities. *Nevada Law Journal* 3(2): 619-639.

Fox, W, Bayat, M.S. 2007. *A guide to managing research*. Juta & Co: Cape Town.

Gillis, S, Munford, R. 2003. Introduction: Harvesting our Strengths: The Third Wave Feminism and Women's Studies. *Journal of International Women's Studies*. 4(2) 1 - 6.

Guivant, J.S. 2003. *Agrarian Change, Gender and Land Rights. A Brazilian Case Study*. Social Policy and Development Programme. United Nations Research Institute for Social Development: Geneva.

Gomez, M, Tran, D.H. 2012. *Women's Land and Property Rights and the Post-2015 Development Agenda*. The Global Initiative for Economic, Social and Cultural Rights and Landesa Center for Women's Land Rights.

Gopal, G. 1993. Gender and Economic Inequality in India. The Legal Connection. *Third World Journal*. Boston College Law School. 13(1)(3): 63 - 86.

Harrington, A. 2008. *Women's Access to Land and Property Rights*. World Bank's Gender Action Program. Justice for the Poor: Kenya.

Harrington, A, Chopra, T. 2010. *Arguing Traditions Denying Kenya's Women Access to Land Rights*. Justice for the Poor Programme and The Legal Resource Foundation Trust: Kenya.

Hamieh, C.S, Usta, J. 2011. *The effects of Socialisation on Gender Discrimination and Violence. A case study from Lebanon*. Oxfam Research Report. Oxfam Publishers: Beirut.

Hall, R. 2004. *Land and Agrarian Reform in South Africa: A status report*. Programme for Land and Agrarian Studies: Cape Town.

Haldrup, K. 2002. *Mainstreaming Gender Issues in Land Administration Awareness, Attention and Action*. 22nd International Congress: Washington D.C.

Herbst, M. Du Plessis, W. 2008. Customary Law v Common Law Marriages: a Hybrid Approach in South Africa. *Electronic Journal of Comparative Law*. 12(1): 1 - 15.

Holmgren, L.E, Hearn, J. 2009. Framing men in feminism: theoretical locations, local contexts and practical passings in men's gender-conscious positionings on gender equality and feminism. *Journal of Gender Studies*. 4(18): 403 - 418.

Holub, R. n. d. *Feminism Theory*. Office of Undergraduate Interdisciplinary Studies, Undergraduate Division – College of Letters & Science. University of California Berkely: California.

Human Rights Watch (HRW). 2003. *Double Standards: Women's Property Rights Violations in Kenya*. Women's Rights Division: New York.

Human Sciences Research Council (HSRC). 2008. *Women's property rights, HIV and AIDS, and domestic violence. Research findings from two rural districts in South Africa and Uganda*. HSRC Publishers: Cape Town.

Ik Dahl, I, Hellum, A, Kaarhus, R, Benjaminsen, T.A, Kameri-Mbote, P. 2005. *Human rights formalisation and women's land rights in Southern and Eastern Africa*. Studies in Women's Law. University of Oslo: Norway.

Irogbe, K. 2003. Transformation in South Africa: A study of Education and Land. *International Third World Studies Journal and Review*. 14(1).

International Centre for Research on Women, Human Sciences Research Council and Associates for Development. 2008. *Women's property rights, HIV and AIDS, and domestic violence. Research findings from two rural districts in South Africa and Uganda*. Human Sciences Research Council Press: Cape Town.

International Food Policy Research Institute. 2005. *Women: still the key to Food and Nutrition Security*. International Food Policy Research Institute: Washington DC.

International Women's Rights Action Watch. 2008. *Our Rights are not Optional! Advocating for the implementation of the Convention on the Elimination of all Forms of Discrimination against Women through its Optional Protocol*: Kuala Lumpur.

International Land Coalition. 2011. *Securing Women's Access to Land: Linking research and action. An overview of action research projects in Southern Africa*. Institute for Poverty, Land and Agrarian Studies: Cape Town.

Johnson, P.S, Johnson, J.A. 2001. The Oppression of Women in India. *Journal on Violence Against Women*. Sage Publications. 7(9): 1051 - 1068.

Joireman, S.F. 2006. *Applying Property Rights Theory to Africa: The consequences of formalizing informal land rights*. A paper prepared for the 2006 meeting of the International Society for New Institutional Economics in Boulder: Colorado.

Jones, L.R, Thompson, F, Zumeta, W. 1988. *Public Management for the new Millennium: Developing relevant and integrated professional curricula?* In: In the age of smart machine. The future of work and power: New York.

Kabeer, N. 2003. *Gender Equality, poverty Eradication and the Millenium Development Goals: Promoting Women's Capabilities and Participation.* Economic and Social Commission for Asia and the Pacific.

Kabeer, N. 2012. *Women's Economic Empowerment and Inclusive Growth: labour markets and enterprise development.* School of Oriental and African Studies: United Kingdom.

Kahn, N. 2007. Land and Agrarian Reform in South Africa. Centre for Policy Studies. *Policy: Issues and actors.* Johannesburg, South Africa. 20(12): 1 - 38.

Kambarami, M. 2006. *Femininity, Sexuality and Culture: Patriarchy and Female Subordination in Zimbabwe.* University of Fort Hare: Alice.

Kathewera-Banda, M, Kamanga-Njikho,V, Malera, G, Mauluka, G, Mazinga, M,K, Ndlovu, S. 2011. *Women's access to land and household bargaining power: a comparative action research project in patrilineal and matrilineal societies of Malawi.* Women's Legal Resource Centre: Blantyre.

Kamberi-Mbote, P. 2005. *Achieving the Millennium Development Goals in the drylands. Gender Considerations.* International Environmental Law Research Centre: Geneva.

Kameri-Mbote, P. 2005a. *The Land has its owners! Gender issues in Land Tenure under Customary Law.* Paper presented at the UNDP International Coalition workshop. 31 October – 3 November 2005: Nairobi.

Kevane, M. 2012. *Gendered production and consumption in Rural Africa.* Department of Economics, Santa Clara University. Santa Clara, California. PNAS. 109(31): 12350 - 12355

Knox, A, Duvvury, N, Milici, N. 2007. *Connecting Rights to Reality: A progressive framework of core legal protections for Women's Property Rights*. International Centre for Research on Women: Washington D.C.

Krolokke, C.D, Sorensen, A.S. 2006. *Gender Communication Theories and Analyses: From Silence to Performance*. Sage Publications, Inc. Thousand Oaks: California

Kambarami, M. 2006. *Femininity, Sexuality and Culture: Patriarchy and Female Subordination in Zimbabwe*. University of Fort Hare: Alice.

Lastarria-Cornhiel, S. 2006. *Women's Access and Rights to Land: Gender Relations in Tenure*. Issue paper prepared for the Advisory working meeting organised by International Development Research Centre and International Land Coalition: Rome.

Lawal, A.I, Obasaju, B, Rotimi, E.M. 2012. *Towards achieving Millennium Development Goals in Nigeria: Prospect and Challenges*. *Journal of Economics and Sustainable Development*. 3(9): 74 - 83.

Law, Race and Gender Research Unit (LRG). 2012. *Recognition of Customary Marriages in South Africa: Law, Policy and Practice*. University of Cape Town: Cape Town.

Leshem, S, Trafford, V. 2007. Overlooking the Conceptual Framework: Innovations in Education and Teaching. *International Journal*. 44(1): 93 - 105.

Lorber, J. 2010. Gender Inequality. *Feminist Theories and Politics*. 4th Edition. Oxford University Press:New York.

Lambrou, Y. 2005. *Monitoring the millennium development goals from a rural perspective*. Gender and Development Service. FAO Gender and Population Division: Rome.

Lindsey, L.L. 2011. *Gender Roles: A Sociological Perspective*. 5th Edition. Pearson Publishers: New York.

Lingan, L. 2005. *Structural Adjustment, Gender and Household Survival Strategies: review of Evidences and Concerns*. Centre for the Education of Women. University of Michigan: Michigan.

Mahmood, S. 2006. Feminist Theory, Agency, and the Liberatory Subject: Some reflections on the Islamic Revival in Egypt. *Temenos*. 42(1): 31 - 71.

Malhotra, A. Schuler, S.R, in Nayaran D (Ed). 2005. *Empowerment as a Variable in International Development*. World Bank Publishers: Washington DC.

Mamashela, M, Xaba, T. 2003. *The Practical Implications and Effects of the Recognition of Customary Marriages Act No.120 of 1998*. University of Natal: Durban.

Mann, S.A, Huffman, D.J. 2008. The Decentering of Second Wave Feminism and the Rise of the Third Wave. *Science & Society*. S&S Quaterly Inc,. 69(1): 56 - 91.

Mann, M.M. 2000. *Women's access to land in the former Bantustans: Constitutional Conflict, Customary Law, Democratisation and the role of the State*. Programme for Land and Agrarian Studies: Cape Town.

Marks, J, Bun, L.C, McHale, S.M. 2009. Family Patterns of Gender Role Attitudes. *Sex Roles*. 61(3-4):221 - 234.

Mathabatha, M.C. 2005. *Supervisory skills of extension managers in Sekhukhune District of Limpopo Province in South Africa*. Dissertation. Department of Agricultural Economic Extension & Rural Development. University of Pretoria: Pretoria.

Mearns, R. 1999. *Access to Land in Rural India. Policy Issues on Options*. World Bank Policy Research: Washington DC.

Meer, S. 2013. *Land Reform and Women's Land Rights in South Africa*. In *Women and Land Rights: Questions of Access, Ownership and Control*. Perspectives, Political analysis and commentary from Africa. Heinrich Boll Stiftung Publishers: Berlin.

Mbatha, L. 2005. *Reflections on the rights created by the Recognition of Customary Marriages Act*. Centre for Applied Legal Studies. University of the Witwatersrand: Johannesburg.

Mhago, F, Samson, M. 2001. *A gender analysis of the recent South African land reform*. In *Women's Land Rights and Property Rights in Situations of Conflict and Reconstruction*. United Nations Development Fund for Women: New York.

Mbo'o-Tchouawou, M, Colverson, K. 2014. *Increasing access to agricultural extension and advisory services: How effective are new approaches in reaching women farmers in rural areas?* International Livestock Research Institute: Nairobi.

Mburugu, C.K. 2013. *The Limits of Law: Women and Land Ownership in Kenya*. In *Women and Land Rights: Questions of Access, Ownership and Control*. Perspectives. Political analysis and commentary from Africa. Heinrich Boll Stiftung: Berlin.

Moghadam, VM. 2005. *The Feminization of Poverty and Women's Human Rights*. Gender Equality and Development Section. Division of Human Rights: France.

Moyo, S. 2000. The Political Economy of Land Acquisition and Redistribution in Zimbabwe. *Journal of Southern African Studies*. 26(1): 5 - 28.

Murungani, V.G, Thamaga-Chitja, J.M, Kolanisi, U, Shimelis, H. 2014. *The Role of Property Rights on Rural Women's Land Use, Security and Household Food Security for Improved Livelihood in Limpopo Province*. *Journal of Human Ecology*. 46(2): 205 - 221.

Mota, S, Fominaya, C.F, Eschle, C, Cox, L. 2011. Feminism, Women's Movements and Women in Movement. *Interface: A journal for and about Social Movements*. 3(2): 1 - 32.

Mutangadura, G. 2004. *Women and Land Tenure Rights in Southern Africa: A Human rights-based approach*. Paper prepared for session two on Gender, Land Rights and inheritance: Westminster.

Morrison, A, Raju, D, Sinha, N. 2007. *Gender Equality, Poverty and Economic Growth. Paper prepared for input into the World Bank's Global Monitoring Report of 2007*. The World Bank: Washington DC.

Mwambene, L. 2010. Marriage under African customary law in the face of the Bill of Rights and international human rights standards in Malawi. University of the Western Cape, South Africa. *African Human Rights Law Journal*. 1(10): 78 - 104.

Njogu, K, Orchardson-Mazrui, E. 2006. *Gender Inequality and Women's Rights in the Great Lakes: Can Culture Contribute to Women's Empowerment? United Nations Educational, Scientific and Cultural Organisation: Paris*.

Ngwira, N. 2001. *Women's Property and Inheritance Rights and the Land Reform Process in Malawi*. Institute for Policy Research and Analysis for Dialogue: Blantyre.

Nmadu, G, Avidime, S, Oguntunde, O, Dashe, V, Abdulkarim, B, Mandara, M. 2010. Girl Child Education: Rising to the Challenge. *African Journal of Reproductive Health*. 14(3): 107 - 112.

Ndulo, M. 2011. *African Customary Law, Customs, and Women's Rights*. Cornell Law Faculty Publications: New York.

Nnadi, F,N, Chikaire, J, Osuagwu, C,O, Ihenacho, R,A, Egwuonwu, H, A. 2012. Mobilizing Women for Food Security, Poverty Reduction and Rural Development in Nigeria: The Role of Land Tenure Rights. *Greener Journal of Agricultural Studies*. 2(3):90 - 101.

Njuki, J, Kruger, E, Starr, L. 2013. *Increasing the Productivity and Empowerment of Women Smallholder Farmers*. Results of a Baseline Assessment from Six Countries in Africa and Asia. Care Pathways to Empowerment.

Nyukuri, E. 2006. *Women, Land and Resource Conflicts: Policy Implications and Interventions in Kenya*. African Centre for Technology Studies: Nairobi.

Obeng-Odoom, F. 2012. Land Reforms in Africa: Theory, Practice and Outcome. *Habitat International Journal*. 1(36):161 - 170.

Odote, C. 2010. *The legal policy framework regulating community land in Kenya. An appraisal*. Friedrich Ebert Stiftung Publishers: Nairobi.

Offen, K. 1988. Defining Feminism: A Comparative Historical Approach. *Chicago Journals*. 14(1): 119 - 157.

Oluwatayo, I.B. 2009. *Gender Considerations in Decision-making in Rural Nigeria: Implications on Household's Food Security in Ekiti State*: Accra.

Orr, L, van Meelis, T. 2014. *Bargaining indicators. Women and gender relations in the South African labour market: A 20 year review*. Labour Research Service Publishers: Woodstock.

Ozoemena, R,N, Hansungule, M. 2009. *Re-envisioning Gender justice in African customary law through traditional institutions*. Centre for Policy Studies: Johannesburg.

PALAMA. 2008. *Mainstreaming Gender in the Public Service*. Palama Publishers: Pretoria.

Palmary, I. 2006. *Re-imagining women's security: A comparative study of South Africa, Northern Ireland and Lebanon*. Centre for the Study of Violence and Reconciliation: Johannesburg.

Pandey, P, Pandey, M.M. 2015. *Research Methodology: Tools & Techniques*. Bridge Centre: Romania.

Paradza, G,G. 2011a. *Differentiation of women's land tenure security in Southern Africa*. International Land Coalition: Rome.

Paradza, G,G. 2011. *Innovations for securing women's access to land in Eastern Africa*. International Land Coalition: Rome.

Parashar, A. 2008. Gender Inequality and Religious Personal Laws in India. *Brown Journal of World Affairs*. 14(2):103-112.

Pathways Theory of Change. 2013.
<http://www.carepathwaystoempowerment.org/theory-of-change/> . Accessed:
2014/11/19

Pepeteka, T. 2013. *Reversing the Legacy of the 1913 Natives Land Act: Progress of Land Reform*. Research Unit, Parliament of the Republic of South Africa.

Pheko, L.L. 2014. *Women, Land and Livelihoods in South Africa's Land Reform Programme. Policy and Analysis Programme*. The Institute for Justice and Reconciliation: Cape Town.

Phoenix, A, Brah, A. 2004. Aint I a woman? Revisiting Intersectionality. *Journal of International Women's Studies*. 5(3): 75 - 86.

Prakash, D. 2003. *Rural Women, Food Security and Agricultural Cooperatives. Rural Development and Management Centre. New Dehli, India.* Paper produced for presentation and to serve as a theme paper at the 4th Asian-African International Conference on Women in Agricultural Cooperatives in Asia and Africa: Tokyo.

Pati, A. 2006. *Development Paradigms, Feminist Perspectives and Commons. A Theoretical Intersection.* Paper presented at the 11th Biennial Conference of the International Association for the Study of Common Property: Indonesia.

Polit, D. Hungler, B.P. 1993. *Nursing Research. Essentials of nursing research: methods, appraisal, and utilization.* 3rd Edition: Lippincott.

Quan, J. 2006. *Land access in the 21st Century. Issues, trends, linkages and policy options.* University of Greenwich: London.

Rao, N. 2011. *Women's Access to Land: An Asian perspective.* Paper presented at Expert Group Meeting on Enabling rural women's economic empowerment: Institutions, Opportunities and Participation: Accra.

Rao, A. 2012. *Sustaining Women's Agricultural Livelihoods: Why Can't Global Institutions Get it Rights In Women Reclaiming Sustainable Livelihoods: spaces gained, spaces lost.* Palgrave Publishers: London

Razavi, S. 2007. Liberalisation and the Debates on Women's Access to Land. *Third World Quarterly.* 28(8):1479-1500.

Razavi, S. 2009. Engendering the political economy of agrarian change. *Journal of Peasant Studies.* 36(1): 197 - 226.

Reeves, H, Baden, S. 2000. *Gender and Development: concepts and definitions. BRIDGE – Development Gender. Institute of Development Studies.* University of Sussex: Brighton.

Richard, A. 2013. *Theory Building in Applied Disciplines*. Berret-Koehler Publishers: San Fransisco.

Rugege, S. 2004. Land Reform in South Africa: An overview. *International Journal Legal Information*. 32(283): 1 - 28.

Sarakakis, K, Rush, R.R, Grubb-Swetnam, A, Lane, C. 2009. In Stocks, D.W, & Salwen, M.B (Eds). *An intergrated approach to communication theory and research*. 2nd Edition. Routledge Publishers: New York.

Sebola, M.P, Tsheola, J.P. 2014. *Economics of Agricultural Land Restitution and Redistribution in South Africa: Willing-Seller, Willing-Buyer Business Imperatives Versus Socio-political Transformation?* Department of Public Administration, University of Limpopo: Sovenga.

Sebola, M. 2015. Achieving Gender Equity in Leadership of South African Institutions of Higher Learning: Is Woman Empowerment Mission Impossible in Universities? *International Journal of Higher Education Management (IJHEM)*. 1(2): 70 - 82

Seguino, S. & Lovinsky, J. 2009. *The impact of Religiosity on Gender Attitudes and Outcomes*. Department of Economics, University of Vermont: Burlington.

Seltman, H.J. 2015: *Experimental Design and Analysis*. Carnegie Mellon University: Pittsburgh.

Steinzor, N. 2003. *Women's Property and Inheritance Rights: Improving lives in a Changing Time*. Women in Development Technical Assistance Project Development Alternative: Washington DC.

Stets, J.E, Burke, P.J. 2000. *Femininity/Masculinity*. In Bargatta, E.F. & Montgomery, R.J.V (eds). *Encyclopaedia of Sociology, Revised Edition*. MacMillan Publishers: New York.

Sotelo, X. 2012. *Embracing Intersectional Analysis: The legacy of Anglo European Feminist Theory to Social Sciences – Humanities, Social Sciences and Cultural Studies*. Issues of Language, Opinion, Education & Welfare. Open Access Publishers.

Soyapi, C,B. 2014. Regulating Traditional Justice in South Africa: A Comparative Analysis of Selected Aspects of the Traditional Courts Bill. 17(4): 1441 - 1469.

Stopler, G. 2008. A rank usurpation of Power – The Role of Patriarchal Religion and Culture in the subordination of women. *Duke Journal of Gender Law & Policy*. 15(365): 365 - 397.

Snyder, R.C. 2008. What is Third-wave Feminism? A New Directions Essay. University of Chicago Press. 34(1):175 - 196.

Sultana, A. 2011. Patriarchy and Women's Subordination: A Theoretical Analysis. *The Arts Faculty Journal*. 4(2010-2011):1 - 18.

Swaminathan, H. 2008. *Women's property rights, HIV and AIDS and Domestic Violence: Research Findings from two districts in South Africa and Uganda*. Human Sciences Research Council Associates for Development. HRSC Press: Cape Town.

Statistics South Africa. 2011. *CENSUS*. Report No P0301.4: Pretoria.

Stanford Encyclopaedia of Philosophy. 2011. *Feminist Perspectives on Power*. The Metaphysics Research Lab. Standford University: California.

Stivers,C. 2002. *Gender images in the Public Administration Legitimacy and the Administrative State*. 2nd Edition. Sage Publications Inc: United States of America.

South African Human Rights Commission. 2014/2015 *Strategic Plan and Annual Performance plan*: Pretoria

Tasli, K. 2007. *A Conceptual Framework for Gender and Development Studies: From Welfare to Empowerment*. Österreichische Forschungsstiftung für Entwicklungshilfe. Vienna University of Economics and Business: Vienna.

Tavallaei, M, Abu Talib, M. 2010. A general Perspective on Role of Theory in Qualitative Research. *The Journal of International Social Research*. 3(11): 570 - 577.

The Republic of South Africa. 2013. *Women Empowerment and Gender Equality Bill*. Government Printer: Pretoria.

The Republic of South Africa. 2011. *Education for All. 2011 Country Progress Report*. Department of Basic Education: Pretoria.

The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000.

Thwala, W.D. 2006. *Land and Agrarian Reform in South Africa*. In *Promised Land: Competing visions of Agrarian Reform*. Institute for Food and Development Policy: New York.

Tshurenev, J. 2013. *Intersectionality, Feminist Theory and Global History*. In: Kallenberg, Meyer & Muller: *Intersectionality und Kritik. Neue Perspektiven Für Alte Fragen*. Springer Fachmedien: Wiesbaden.

Tripp, A. 2004. Women's movements, Customary Law and Land Rights in Africa: The case of Uganda. *African Studies Quarterly*. 7(4): 1 - 19.

United Nations. 2003. *Land Tenure Systems and Sustainable Development in Southern Africa*. Economic Commission for Africa: Southern African Office.

United Nations. 2005. *Equal participation of women and men in decision-making processes with particular emphasis on political participation and leadership*. Division for the Advancement of Women, Department of Economic and Social Affairs. Report of the Expert Group Meeting: Addis Ababa.

United Nations. 2008. *Mainstreaming Gender into Trade and Development Strategies in Africa*. United Nations conference on trade and development and United Nations Development Programme: New York and Geneva.

United Nations. 2009. *Women's Control over Economic Resources and Access to Financial Resources, including Microfinance*. World Survey on the Role of Women in Development. Division for the Advancement of Women, Department of Economic and Social Affairs: New York.

United Nations. 2010. *The World's Women. Trends and statistics*. Department of Economic and Social Affairs. United Nations Publication Sales: New York.

United Nations General Assembly. 2005a. *Improvement of the situation of women in rural areas*. Sixtieth session, Second Committee Item 66 of the provisional agenda on the Advancement of women Improvement: United Nations

United Nations Research Institute for Social Development. 2010. *Combating Poverty and Inequality: structural change, social policy and politics*. United Nations Research Institute for Social Development: Geneva.

United Nations Human Settlements Programme. 2005. *Women's Equal Rights to Housing, Land and Property in International Law*. Gender Mainstreaming Section and the Land and Tenure Section and Shelter Branch: Nairobi.

United Nations Economic Commission for Africa. 2007. *Women and Access to Land and Credit: Discussions and Key Findings of the African Gender Development Index in Selected African Countries*. African Centre for Gender and Social Development.

United Nations – Treaty Series. 1966. *International Covenant on Civil and Political Rights*. 999(1 - 14668).

United States Agency International Development. 2011. *Redd+ and carbon rights: lessons from the field. Property Rights and Resource Governance*. United States Agency for International Development: United Nations.

United Nations Research Institute for Social Development. 2007. *Religion, Politics and Gender equality*. United Nations Research Institute for Social Development: Geneva.

United Nations Development Programme. 2014. *Gender Equality in Public Administration*: New York.

UN: Women. 2012. *Challenges and Barriers to Women's Entitlement to Land in India*. LANDESA. Rural Development Institute: India.

UN: Women. 2013. *Realizing Women's Rights to Land and Other Productive Resources*. United Nations: New York and Geneva.

Verma, R. 2007. *"Without Land you are a Nobody": Critical Dimensions of Women's Access to Land and Relations in Tenure in East Africa*. IDRC scoping study for East Africa on Women's Access and Rights to Land & Gender Relations in Tenure: Nairobi.

Villarreal, M. 2006. *Changing customary land rights and gender relations in the context of HIV/AIDS in Africa*. Food and Agriculture Organization of the United Nations: Rome.

Wallace, D.M. 2007. "It's a M-A-N Thang": Black Male Gender Role Socialisation and the Performance of Masculinity in Love Relationships" *Temple University Journal of Pan African Studies*. 1(7):11-22.

Walker, C. 1998. *Land Reform and Gender in Post-Apartheid South Africa*. UNRISD Discussion Paper No. 98. United Nations Research Institute for Social Development: United States.

Walker, C. 2002. *Land Reform in Southern and Eastern Africa: Key issues for strengthening women's access to and rights in land*. Report on a desktop study commissioned by the Food and Agriculture Organization. FAO Sub-regional office for Southern and Eastern Africa: Harare.

Walker, C. 2002a. *Agrarian Change, Gender and Land Reform. A South African Case Study*. Social Policy and Development Programme Paper No.10. United Nations Research Institute for Social Development: Geneva.

Walker, 2009. Elusive equality: women, property rights and land reform in South Africa. *South African Journal on Human Rights*. 23(3): 467- 490.

Wanner, T, Wadham, B. 2015. Men and Masculinities in International Development: 'Men-streaming' Gender and Development? *Development Policy Review*. Overseas Development Institute. 33 (1): 15-32

Welman, JC, Kruger, SJ. 2001. *Research Methodology*. 2nd Edition. Oxford University Press: Southern Africa.

Welman, C, Kruger, F, Mitchel, B. 2005. *Research methodology*. 3rd Edition. Oxford University Press: Southern Africa.

Weideman, M. 2004. Who Shaped South Africa's Land Reform Policy? *South African Association of Political Studies*. Carfax Publishing. *Politikon*. 31(2):219 - 238.

White, S. 2007. *Malawi: Country Gender Profile*. Thesis. Women and Law In southern Africa Research and Educational Trust-Malawi: Sussex.

Wiley, S, Srinivasan, R, Finke, E, Firnhaber, J, Shilinsky, A. 2012. *Positive Portrayals of Feminist Men Increase Men's Solidarity with Feminists and Collective Action Intentions*. *Psychology of Women Quarterly*. Sage Publications: California.

Williams, J. 2014. *Submissions to the portfolio committee on women, children and people with disabilities: Women empowerment and gender bill*: Cape Town.

World Bank. 2013. *Women and Land Rights: Legal barriers impede women's access to resources*: Washington DC.

World Bank. 2012. *World Development Report*: Washington DC.

Welman, Kruger, Mitchel. 2005. *Research methodology*. 3rd Edition. Oxford University Press: Southern Africa.

Wikipedia. The Free Encyclopaedia. 2014. www.wikipedia.org/wiki/Nelspruit
Accessed: 14 March 2014.

World Bank. 2013. *Women and Land Rights: Legal barriers impede women's access to resources*: Washington DC.

You, D, Hug, L, Chen, Y, Newby, H, Wardlaw, T. 2013. *Levels and trends in child mortality*. A report on Estimates Developed by the UN Inter-agency Group for Child Mortality Estimation: New York.

Zake, A. 2011. Gender Issues in Public Administration in Latvia. *Journal of Management Theory and studies for rural business and infrastructure development*. 2(360): 271-278.