
Policy Brief on Women's Land Rights

Women's Land Rights and their Role in Small-Farming Value Chain as a cross-cutting theme in Land Governance

The document is for discussion purposes

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The development of the Policy Brief was managed by the Association for Rural Advancement (AFRA) in its capacity as Co-Chair of the National MSP, and as the Secretariat for LandNNES, the Land Network National Engagement Strategy of South Africa and the Civil Society arm of the MSP.

The National Multi-Stakeholder Platform (MSP) was established in September 2017, with the FAO playing a catalysing role. The MSP is co-chaired by the Department of Agriculture, Land Reform and Rural Development (DALRRD) and Civil Society, currently represented by the Association for Rural Advancement (AFRA).

LandNNES is a broad civil society platform bringing together over 26 civil society formations (who are members) with a common medium-to-long term vision around strengthening people-centred land governance, especially for marginalised and vulnerable groups. LandNNES is supported by the International Land Coalition (ILC), and is concerned with both the policy and implementation dimensions of land governance.

Terms of Reference

This policy brief provides strong contextual mapping, critique and analysis of the complexities around women's land rights and their role in small-farming value chain, and proposes recommendations for the multi-stakeholder interlocution between Government, United Nations Agencies and Civil Society.

The Policy Brief includes:

- A brief gender analysis of the current relevant South African policy, laws and customs related to Land.
- A brief analysis of women's roles in small-farming value chains in South Africa.
- Actionable recommendations on how to ensure equal rights of women and men to land, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equity if necessary. These recommendations will constitute the essential inputs for discussions in the future multi-stakeholder meetings and will be the base to develop an action plan/road map on the issue.

Contents

1. Background and Introduction.....	4
2. The state of land and women’s land rights in South Africa (analysis of policy and custom)	5
3. Legal Assessment of gender equity in South African Policy related to land	6
4. Gender and South African land reform policy.....	8
4.1. The White Paper on Land Policy of 1997	8
4.2. Interim Protection of Informal Land Rights Act, 1996 (IPILRA)	8
4.3. Communal Property Association Act of 1996 and (its Amendment - Communal Property Association Amendment Bill of 2017	9
4.4. The Land Reform (Labour Tenants) Act of 1996 and the Extension of the Security of Tenure Act of 1997	9
4.5. Traditional Leadership and Governance Framework Act, 2003 and its amendment of 20099	
4.6. The Green Paper on Land Reform, 2011.....	9
4.7. The Land Redistribution for Agricultural Development (LRAD).....	10
4.8. Recapitalisation and Development Programme	10
4.9. Comprehensive Agricultural Support Programme (CASP), 2004 and the Policy on Comprehensive Producer Development Support, 2018	10
4.10. The Communal Land Tenure Policy (CLTP) of 2014	10
5. What do we learn?	10
6. The Role of Women in Small Farming Value Chains	11
7. Policy Considerations	12
7.1. Aligning all land policy to the Constitution and developing guidelines, processes and procedures for implementation	12
7.2. Incorporating gender targets and indicators and a system of tracking them	12
7.3. Transforming Institutions.....	13
7.4. A system of recognising land rights of women in communal areas	13
7.5. Women representation and leadership in land administration institutions	14
7.6. Improve access to resources and information for women.....	14
7.7. Research and integrated interventions	14
8. References.....	14

1. Background and Introduction

This is a policy brief on women's land rights in South Africa and their role in small-farming value chains. It will provide the basis for policy discussions on multi-stakeholder meetings and policy dialogue. The first part provides the background of the South African context regarding land, followed by a brief gender analysis of the South African policy, laws and customs and a brief discussion of the role of women in small-farming value chains. The analysis is guided by the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT). The last part of the brief has recommendations on how to secure equal rights for women.

According to the VGGT Technical Guide on governing land for women and men, (FAO, 2013) in order to achieve equal rights for women, policy actions should:

- apply international conventions on women's rights;
- recognize women's customary rights to land;
- make sure that women can register their land rights under the same conditions as men;
- make sure that all stakeholders can participate equitably in land tenure governance, including in local land administration and management institutions; and
- introduce positive discrimination measures.

South Africa is at the height of an economic crisis with high levels of unemployment, persistent poverty and inequality. The agricultural sector has the potential to contribute significantly to the country's economy, if innovative opportunities are explored. One of the key issues in expanding the agricultural sector's potential is making land that is available more productive and by providing access to land to more people who currently do not yet have access. The government has been criticised for being slow in distributing land equitably through land reform and for its failure to align land reform and agricultural reform. Evidence from different developing countries shows that women contribute significantly to agriculture, yet their access to land and resources is constrained under systems that discriminate against and disadvantage them. Women make up 52% of the agricultural population; provide about 50% of labour to the sector and produce between 60 and 80% of food in the African continent (Njobe, 2015).

The South African Presidential Advisory Panel on Land Reform has noted with concern that, while land reform has been very slow, women in particular have been marginalised. Land reform has tended to prioritise large scale commercial farming, which is dominated by men, to the disadvantage of small-scale farming, where women play a bigger role. According to the Advisory Panel Review, only 23% of women have benefitted from land reform. They generally face constraints in accessing and holding land in their own right because of the values and norms (such as customary) that limit them. Women often gain access to land through familial relationships and their access is dependent on their male relatives (husbands, father, brothers and sons).

Under customary law, women are at the greatest disadvantage, yet a majority of them live in communal areas which are governed by traditional institutions under customary law. What constitutes customary law is different for different communities. Customary rules are negotiated at a local level and are influenced by the changing norms and values. In one area for example, land rights are mediated through a patrilineal system, where land will be allocated to a household, under the authority of a male 'household head' and all other members' rights are dependent on the 'household head' (see Cousins, 2010).

In another area, family rights to land are mediated through a system in which active members of the family, often daughters, who visit home regularly and remit support for other family members get

'custodianship over family property' (see Kingwill, no date, on studies of freehold tenure in the Eastern Cape). And yet in another area, while the general norm is that women do not get allocated land, in practice unmarried women with children, get allocated land in their father's homesteads. These variations reveal the complexity of customary law, where norms and practices are changing in response to declining rates of marriage and rising unemployment, which has seen men 'abandoning' their family responsibilities. The lack of understanding of this dynamic of customary rules governing communal tenure poses challenges for women's land rights which are embedded within this system. A lot of discussion on land redress tends to move towards private, individual ownership through titling. However, there are different opinions on whether this can be a blanket solution to South Africa's land question. South Africa is still largely a patriarchal society and this means that any policy to ensure land rights for women will constantly be under threat unless it addresses patriarchy.

2. The state of land and women's land rights in South Africa (analysis of policy and custom)

The South African land scene is characterised by complex realities and stark contrasts between a well-developed and flourishing core and the mostly poor, underdeveloped countryside where many South Africans live (Claseens, 2015). These complexities result both from a racially unequal distribution of land, wealth and other resources and also by the 'unexplored' gendered distribution, particularly in communal areas. The following gender analysis of land policy, laws and custom follows the guidelines provided under the VGGT using the FAO Gender equitable legal framework's Legal Assessment Tool (LAT). The assessment focuses on four key elements taken from the LAT, which are:

- Elimination of gender-based discrimination in the Constitution
- Gender equality in property rights
- Gender equality in inheritance
- Gender-equitable implementation, dispute mechanisms and access to justice
- Women's participation in national and local institutions enforcing land legislation

Using indicators provided by the LAT, the following explores the extent to which South African land policy and law advances land rights for women. The policy brief assesses indicators that relate to women's land rights, selecting only some of the LAT indicators under the broad areas cited above.

The LAT Methodology

Rationale	Stage
Absence of a legal indicator in the framework.	0
A policy is being developed.	1
A policy is in place incorporating an indicator.	1.5
A draft legislation is to be submitted for deliberations, incorporating the indicator.	2
Primary law reflects the legal indicator.	3
The legal indicator appears in multiple legal instruments.	4
Not applicable.	N/A

The South African legal system is inherited from Roman Dutch law, which is administered by formal courts alongside a customary law system, which is recognised by the South African Constitution and is administered by traditional authorities.

The two parts of this dual system are in conflict with each other in practice. For example, the land rights are held differently under the two systems. As a result, there are multiple tenure arrangements

under the customary systems which are not formally recognised under ‘law’ (Hornby et al, 2017). There is also a disjuncture between law and practice and gender disparity in land ownership, as unmarried women are often not allocated land in their own right, particularly in communal areas, and married women are allocated land under the authority of their husbands. This, when marriage rates are declining and the number of women headed households continue to increase. Cousins, 2010 found that in Msinga (communal area in KwaZulu-Natal province) the Mchunu traditional authority, in response to the declining marriage and recognition of the role of land in sustaining livelihoods, started to allocate land (on request) to unmarried women with children in their own right.

3. Legal Assessment of gender equity in South African Policy related to land

Since the democratic transition in South Africa, the government has managed to develop and pass good laws and policies starting with a very progressive constitution, to several other pieces of legislation along with it, in an attempt to address the injustices of the past. Most of the land legislation encompass the principles of equality, especially gender equality as enshrined in the constitution, however there is a gap in implementation, hence gender equality in land ownership is still an elusive goal. The analysis below provides an overview of the relevant legislation.

Key Element: Elimination of gender-based discrimination in the Constitution		Stage	Legal basis
4	The Constitution prohibits gender discrimination	3	Chapter 1 Section 9 (article 3, 4) of the constitution clearly prohibits gender discrimination.
5	The Constitution recognises customary law but states that gender based discrimination in customary law is superseded by the principle of non-discrimination in the Constitution.	3	Chapter 12 recognises customary law and traditional courts but states these are subject to the Constitution.
6	The Constitution recognises religious law but states that gender based discrimination is superseded by the principle of non-discrimination in the Constitution.	3	Chapter 1 section 15 recognises religious observance and marriage under religious law but subject to the constitution.
7	The Constitution promotes the adoption of special measures for the advancement of women	3	Chapter 9 institution the Gender Commission is established to advance gender equality

Key element: Gender equality in property rights		Stage	Legal basis
12	The law recognizes gender-equality in the right to own or control property regardless of the type of marriage.	4	Chapter 1 section 25 of Constitution The Promotion of Equality and so does the Prevention of Unfair Discrimination Act, 2000

13	The law recognizes full or partial community of property as the default marital property regime.	4	The Matrimonial Property Act, 1984 The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000
14	Spousal consent is mandatory for any transaction involving matrimonial property.	4	The Promotion of Equality and the Prevention of Unfair Discrimination Act, 2000
15	The law establishes a presumption of joint ownership of property in consensual unions.	4	Recognition of Customary Marriages Act, 1998 with the Matrimonial Property Act, 1984
16	The legal framework includes provisions for the promotion of women's rights to land, property, and/or productive resources.	4	The White Paper on Land Policy, 1997 The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000

Key element: Gender-equitable implementation, dispute mechanisms and access to justice		Stage	Legal basis
23	Decentralization of land administration services is effected through recognized customary land institutions.	3	Traditional Leadership and Governance Framework Act (TLGFA), 2003 calls for establishment of traditional councils
24	Decentralization of land administration services is effected through formal land institutions.	3	TLGFA establishes Traditional councils and Traditional courts
25	The law guarantees equality before the law.	3	Constitution chapter 1, section 9
26	The law guarantees equal access to judicial systems and statutory or customary dispute resolution mechanisms to resolve disputes over tenure rights.	3	Traditional Leadership and Governance Framework Act (TLGFA), 2003 Land Restitution Act of 1996 established the Land Claims Court
27	The law makes provision for legal support in civil procedures.	3	Legal Aid Act of 2014 Provision for advice and support in civil procedures
28	A human rights commission or gender-specific institution is in place.	3	Constitution: chapter 9, section 181 (d)

Key element: Women's participation in national and local institutions enforcing land legislation		Stage	Legal basis
29	The law sets quotas for the appointment of women in land management and administration committees.	3	Traditional Leadership and Governance Framework Act, 2003 – calls for a third of traditional council members to be women
30	The law sets quotas for the appointment of women in land dispute resolution committees.	3	Traditional Leadership and Governance Framework Act, 2003

From the above overview of the legislation it is clear that a series of legislative measures governed by the principles of democracy are in place. The South African Constitution guarantees equality, eliminates all forms of discrimination and ensures that all legislation is subject to the principles set in the constitution. Although a lot of policy is progressive, implementation is lagging far behind. Some of the non-democratic elements, for example in traditional institutions, have not been eliminated; patriarchy persists and hinders women from enjoying full rights to land and other resources. The section below reviews and assesses some of the specific land legislation from a gender perspective.

4. Gender and South African land reform policy

The land reform programme has three elements, which are 1) restitution, 2) redistribution and 3) tenure reform. Looking at the overall policy, it appears that although there are gender considerations for redistribution and tenure reform, there is no specific gender focus in policy on restitution (Weideman, 2003). The policy appears to be generic on restitution, failing to take into account the different experiences of injustice between men and women and their needs.

The South African government, has to an extent advanced policies that give more power to the traditional patriarchal system, leaving women much more vulnerable to gender discrimination in terms of access to land and other resources. This short review of some of the policies shows how some of the policies address gender equality while others do not. It also shows that, even where gender has been considered in policy, there is no strategy on how the 'gender goals' would be realised.

4.1. The White Paper on Land Policy of 1997

The White Paper sets out a commitment to redistribute land back to those who were dispossessed. It acknowledges discrimination against women under customary law and in terms of family law. Furthermore, it puts significant emphasis on gender equity in accessing land, by committing to removing barriers in order to enable women to acquire land and to prioritise women in redistribution projects. In this respect, the policy advocates for addressing customary and social practices that discriminate against women. It also commits to include women in planning processes and to put in place mechanisms to facilitate women's access to resources, in order to achieve gender equality in land reform. Some reviews of the White Paper highlight that it raises the gender issues only as part of the vision and fails to address the implementation aspects. Some of the aspects would include an implementation strategy, setting targets for gender equality and targeted budget allocations to meet some of the basic needs that impact directly on women such as access to water as part of agricultural development.

4.2. Interim Protection of Informal Land Rights Act, 1996 (IPILRA)

The Act was aimed at protecting informal land rights of many people living in former Bantustans and on Trust land who do not have documentation that secures their rights to land, as a result of the broken

land administration system. It stipulates that people with informal rights on land are not to be deprived of land use and access rights without their consent and or/compensation. The Act therefore recognises these tenure rights as legitimate rights in accordance with VGGT. However, up to now, there are no processes and procedures developed by the department to guide its implementation. There are proposals to strengthen the Act and to make it permanent, although it is not clear at the moment which direction the government will take.

4.3. Communal Property Association Act of 1996 and (its Amendment - Communal Property Association Amendment Bill of 2017

The Act makes provisions for communities to form legal entities (Communal Property Associations - CPAs) in order to be able to make claims under the land reform programme to land that they can own as a collective. The Act also stipulates that these Associations should be formed and run in ways that are non-discriminatory on the basis of race and gender. It also ensures the protection of the members against abuse of power by others. It specifically promotes the equal rights of all members to use land and other resources belonging to the association. A 'member' is defined in different ways, Hornby et al, (2010) found that sometimes it means the recipient of the land reform grant, at other times it refers to the household head, yet at other times it refers to all adults who are beneficiaries of the land reform. This indicates that definitions are important since they will impact on women's rights and access to CPA resources. The amendment increases the government's responsibility to 'manage' and 'monitor' (through the proposed office of the registrar in DRDLR) compliance of the CPAs with democratic principles.

4.4. The Land Reform (Labour Tenants) Act of 1996 and the Extension of the Security of Tenure Act of 1997

The legislation makes provision for security of tenure for labour tenants and those who use or occupy land because of their association with labour tenants. According to the definitions, 'the applicant', 'the associate', 'the labour tenant' or 'the family member' may be either male or female, however the Act does not consider special conditions or circumstances that are different for men and women as labour tenants and therefore does not offer special considerations in such cases. The Act does however recognise spouses even under unregistered customary union.

4.5. Traditional Leadership and Governance Framework Act, 2003 and its amendment of 2009

The Act was passed as an attempt to 'regulate' the traditional authorities, which had governed communal land under the apartheid system. The legislation stipulates conditions under which traditional authority would be recognised. It calls for the establishment of traditional councils, with conditions that 40% of the members be democratically elected and that a third of the members be women. To date, some of the areas have still not established traditional councils required by the Act. Furthermore, some of the established traditional councils do not have the quota of women stipulated by the Act. Critiques of the Act argue that the Act does not provide security for the people living in communal areas. The high level panel report (2017) critique reveal that the government's understanding of customary law as centred on traditional authority instead of the 'living custom' exacerbates insecurity. It renders people living in communal areas 'second class citizens' who do not enjoy the same citizen rights as the rest of the country.

4.6. The Green Paper on Land Reform, 2011

The Green Paper re-configured the elements of land reform, to include a four-tier system that includes: Leasehold for state owned land; Freehold (with limited extent) for privately owned land; Freehold, but precarious tenure with obligations on land owned by foreigners and Communal Tenure with

institutional rights on communally owned land. The policy emphasizes 'democratic and equitable allocation of land across race, gender and class' (DLRRD, 2011). The policy is completely silent on the issue of how women's land rights are to be achieved under the policy. The communal tenure proposed by the policy for communal areas does not answer the questions of access and control of land for women, many who live in these communal areas. It does however acknowledge that communal tenure is complex and the need to ensure constitutional compliance.

4.7. The Land Redistribution for Agricultural Development (LRAD)

The main objective of the policy is to stimulate commercial farming activity among African farmers. It specifically commits to prioritize women and young people who live in rural areas. To this effect it commits to target projects that are led by women and to ensure that women benefit from the resources by setting a third of the resources for women. The policy however, does not create specific interventions to advance the interests of women in this context.

4.8. Recapitalisation and Development Programme

The policy is subsequent to the Green Paper of 2011. It focuses on making 'productive' entities of all land reform farms transferred since the inception of policy in 1994. It also includes smallholder farms which were privately procured. It does not address equitable gender distribution. The recapitalisation aspect of the policy, which requires the claimants to have a business plan and have a strategic external partner to validate the claim, is open to abuse by those who have power and money, at the expense of the majority of poor and marginalised (Claassens, 2015). It has thus far advanced large scale agriculture agenda.

4.9. Comprehensive Agricultural Support Programme (CASP), 2004 and the Policy on Comprehensive Producer Development Support, 2018

The programme seeks to expand support to enhance agricultural productivity among farmers as one step in an attempt to bridge the gap between land reform and agricultural reform. CASP does commit to prioritising subsistence and household farmers but it does not have specific focus on gender. Failure to set specific targets often leads to resources being grabbed by those who have the information and the means (physical and otherwise) to access the support offered, at the disadvantage of those who do not.

4.10. The Communal Land Tenure Policy (CLTP) of 2014

The CLTP has been proposed in place of the Communal Land Rights Act (CLRA) of 2004, which was heavily contested and finally thrown out by the Constitutional Court. The Act has the similar intentions as CLRA as it seeks to transfer 'outer boundary' land in communal areas to traditional councils. It stipulates that CPAs would not be formed in areas where traditional councils are, thus handing over ownership and control of land to the hands of traditional councils. The policy does not address any considerations of gender.

5. What do we learn?

The land reform policy in South Africa is set on a premise of addressing the injustices of the past, which are racial in nature. The policy in writing seems to be focused mainly on redressing the racial imbalances in terms of access to and ownership of land and other related resources, and gender seems to feature as a 'secondary' issue, and almost a non-issue in implementation.

The policy is not conceived from a racial and a gendered perspective. Therefore, the policy obscures the need to transform systems and institutions that render women inferior. In the process, it deprives them of access and control over land and other resources. Addressing this issue is key and will contribute towards achieving the Sustainable Development Goal 5 of gender equality which South

Africa has also committed to. When reviewing progress against targets set, the question is often how much land has been transferred to black people, which indicates the primary focus of the policy. The monitoring results, from DRDLR show that the restitution benefitted 8% female, as against 92% males, and 9% females and 91% males in the period 2005/6 and 2006/7 financial years respectively (Commission for Gender Equality, 2009). A set of targets that prioritises race, gender and class, and also looks at how systems have or have not transformed to achieve equality on these bases, would go a long way to address the gap.

6. The Role of Women in Small Farming Value Chains

According to the national data available, small farmers in South Africa are mainly found in 12 district municipalities in South Africa, concentrated in KwaZulu-Natal, Eastern Cape and Limpopo provinces (Cousins, 2012). The Labour Force Survey figures show that about 2 million households are involved in farming, and about 61% of smallholder farmers are women (PLAAS, 2010). Despite this, there is limited data focusing specifically on women small farmers. Small farming, according to the Department of Agriculture, Forest and Fisheries' National Policy on Comprehensive Producer Development, includes:

- Vulnerable household producers who produce primarily for household consumption to meet the daily household needs and do not possess skills and resources to produce for the market, which includes households in communal land and commonages and meet the criteria to register as indigents with their municipalities.
- Subsistence household producers who produce for both household consumption and market the surplus to generate income and do not meet the criteria for registration as indigents with their municipalities. They may have annual turnover of less than R50 000 per annum.
- Smallholder producers who intentionally produce for both household consumption and the market at the same time with an intention to make a living from farming. It is estimated that this group of farmers may have possible annual turnover of between R50 000 and R5 000 000 per annum.

Among small farmers, women are concentrated among vulnerable household producers and subsistence producers. Rigorous data on women as small farmers in South Africa are not available. One of the reasons for this could be that it is generally challenging to collect gender differentiated data on agricultural activity at household level, because both men and women in agriculturally active households participate in agricultural activities (Doss, 2011).

Women play different roles in small farming value chains in South Africa. They are mostly involved in production, but also play key roles in markets and providing labour to farming. Production incorporates preparation, cultivating and harvesting. They produce crops, livestock and other commodities. As producers, women often work either as part of household production units or in groups as part of projects or cooperatives. Crops are produced mainly for home consumption, especially on food gardens, however on larger plots or irrigated schemes, crops are produced for both home consumption and for markets.

Their contribution to agriculture is undervalued in that their access to and control of agricultural resources including land, implements, hired labour and other resources is curtailed because of social norms that tend to exclude and disadvantage them. Furthermore, their time is divided among different activities within households. This puts limits on the time they can spend on the agricultural activities, which affects their production output and their overall impact in the value chain. Some researchers, however (Cousins and Hull) have found that some older women, often pensioners, who have access to irrigation plots are able to farm commercially, supplying informal markets. Hull argues that this is

possibly premised on younger adult women, who because they cannot find wage work, as a result of structural unemployment, take over domestic functions thus relieving the elderly women. Because women's time is divided between many activities, this affects other aspects of their participation in the value chain. For example, they might not be able to access learning opportunities such as farmer exchange programmes in order to learn from best practice models. And because the literacy levels among women tend to be lower than men, training programmes might not reach them. Some of the training on technical aspects require certain literacy levels, such as training on pesticides and their uses.

General challenges that small farmers face include, limited access to finance, to markets, to water, storage and transport, among others. Where women small farmers are concerned, one could add to these, the double burden of social production and reproduction, restricted access to land and limited control over land and other resources.

7. Policy Considerations

Securing women's rights to land can strengthen their socio-economic position and provide a buffer against livelihood threats. Gender-equitable land reform does not begin and end with policy but also transforms gender discriminatory institutions. It also creates new decentralised institutions that proactively promote the participation of women. The following policy considerations are based on this argument. In order to achieve equal rights for women, South Africa should look at the following issues:

7.1. Aligning all land policy to the Constitution and developing guidelines, processes and procedures for implementation

The South African Constitution is clearly exemplary in terms of its progressive nature, by which it seeks to protect the rights of both men and women equally in terms of access, control and ownership of land among other things. The subsequent gender policy at primary level at best upholds these values, as shown in the gender analysis of the land reform policy above. However, there are significant gaps in terms of procedures and processes that determine how these gender equitable goals will be achieved. Some of the laws do not incorporate gender at all, and the government should endeavour to correct these discrepancies. Some of the key elements in this process could include:

- A comprehensive gender scan of the current legislation and to identify gaps
- Making gender a priority alongside race in the process of amending or designing new legislation
- Developing gender indicators for the achievement of gender equity in land legislation
- Amending legislation that contravenes values of democracy and gender equality and or abandon legislation that does not align with these principles.

7.2. Incorporating gender targets and indicators and a system of tracking them

Over and above designing policy, the government should set itself targets and indicators aimed at achieving gender equity in land and agricultural reform programmes and develop a system for measuring and tracking progress in achieving this goal. The current problem with land and agricultural policy is that, even though women feature in some of the policy, there is no clear targets set for achieving gender equality, and therefore there is no system for measuring. Some of the key elements for this process could include:

- Consultation and collaboration with gender organs within government (such as the Commission on Gender Equality) and other gender and land organisations to support the department with setting of targets and developing a set of indicators
- Enlist services of civil society organisations involved in gender and land work to undertake monitoring functions and report back to the government.

7.3. Transforming Institutions

Gender equitable land reform has implications beyond policy and should seek to transform gender discriminatory institutions. There has been an outcry over the direction the government is taking, towards giving absolute power and control over land to traditional institutions in their current state. The challenge with this move is not only the danger of moving against democratic principles and putting at risk the rights of the most vulnerable groups, such as women, but it is also that the customary law terrain within which traditional institutions find ‘legitimacy’ is a very fluid one. What constitutes customary law in one area is different in another area. The government should focus rather on transformation of the traditional institutions through a transparent and participatory process that allows for the participation and/or representation of those living in these areas. Some of the key elements in this process could include:

- Establish people’s perceptions and proposals on the future role of traditional institutions, through consultative dialogues
- Open dialogues involving representatives from the traditional institutions to seek alternatives and compromises that can be made
- Training and awareness programmes designed for ‘the transformed’ traditional institutions.

7.4. A system of recognising land rights of women in communal areas

Most women in communal areas do not have ownership and control of land on which they reside and which they use. While the processes of reviewing policy and transforming institutions are underway, government needs to institute measures to advance women’s rights to land. The government should develop a system of recognising and protecting informal land rights under customary which may be through recording these rights, and aimed at enabling women (both married and unmarried) to access land in their own right and to exercise control over it. This system should offer a guarantee of secured rights to land to stimulate further investment in the land and facilitate access to other resources. The government should consider how it can adapt current policy to ensure accelerated access to land for women. This will contribute to achieving SDG 5.4, of achieving gender equality. Different options for securing land rights should be considered.

- Leasehold option

A leasehold option could provide a short to medium term solution, but needs to be adapted to ensure gender equitable distribution. A system of recording the names of all adult members of the household on leasehold agreements should be explored.

- Women’s rights in CPAs

Strengthen the rights of women on CPAs through recognising all adult members of households as members and ensure that constitutions of CPAs are aligned accordingly.

- Recognise a range of rights

In the South African context, the term continuum of tenure arrangements has been widely used and is understood to describe a wide range of tenure arrangements that are different from formal property

rights linked to registered title (Hornby et al, 2017). A lot of research in South Africa on this issue shows that although these tenure arrangements exist and meet a variety of livelihoods purposes, they are not formally recognised under the law. It is therefore important that a system of recognising these rights and affording them the same kinds of protection as formal rights be developed.

The system should ensure secure and equitable rights with a particular focus to ensuring access for women by including women in governance and other processes. The process of developing such a system should be a consultative and gender sensitive in order to ensure that the rights of women are fully recognised.

7.5. Women representation and leadership in land administration institutions

The local institutions set up to administer land at different levels are not set up in a gender equitable way. Women are generally not fully represented in these structures and therefore their interests are not well represented as a result. The government should ensure that women are included in the local land administration and also ensure that they are fully equipped with skills to be able to play a meaningful role in these structures. In order to ensure this, the government should:

- Create or reserve spaces for women to get involved in land administration structures at all levels
- Develop processes and allocate resources to ensure capacity development for women participating in these structure
- Set clearly defined gender objectives for the land administration institutions.

7.6. Improve access to resources and information for women

Women face a 'double burden' for social reproduction and production at household level. This limits their productive capacities, their access to other opportunities such as finance, markets and other resources and to information. The government should ensure that there are tailored programmes specifically targeted at women and allocate sufficient resources for this purpose. Some of the elements of this process could include:

- Setting up grants targeted at women
- Ring-fence some of the resources in existing generic programmes for women and other vulnerable groups
- Make and maximise use of technologies such as mobile packages to distribute information to women.

7.7. Research and integrated interventions

There is a scarcity of rigorous research on women's direct experiences with land reform and on women smallholder farmers in South Africa. This hinders policy makers and those who wish to make investments in women in agriculture from making informed decisions about the gaps and opportunities to advance women in the sector. More research is needed on the role of women in agriculture, particularly in small scale agriculture in South Africa, in the different sectors in order to inform policy directions. The research should look at integrating government programmes. For example, exploring the relationship between social grants and small farming on land reform projects could assist to explore opportunities that could be exploited for the benefit of women and for gender equality in general.

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