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Queerying the land debate: a case for inclusivity

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QUEERYING THE LAND DEBATE: A CASE FOR INCLUSIVITY

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The Department of Development Studies

School of Social Sciences

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In partial fulfilment of the requirements for the degree Master of Arts by Coursework and Research Report

By

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Abstract

This report presents the findings to a qualitative study which investigated the experiences of queer people with land in order to understand what such experiences say about South Africa's post-apartheid land reform programme. The report drew on qualitative research conducted using semi-structured virtual/online interviews with 15 queer participants across six provinces (Gauteng, Kwazulu-Natal, Western Cape, Northern Cape, Free State, and North West). It concludes that queer relationships with land and land-based resources exists within a broader context informed by both historical and present realities; that access takes place within a contradictory context in which constitutional guarantees and progressively worded policies exist alongside a homophobic, transphobic, and heteronormative landscape. It argues that queer subjectivity informs and influences land use in ways that positively contribute to communities and the environment yet also inadvertently undermine the ability to take advantage of the government's land reform programme due to the nature of its design. It concludes that the conventional gender framework that government relies on to engender access for women is limited in its scope and fails to adequately engage with the particularities of queer identity thus leading to exclusion in the land reform programme that cuts across all three sub-programmes of restitution, redistribution, and tenure reform.

Key words: Land reform, Queer, Post-apartheid, land access, land use, land-based resources

Declaration

I, Shinta Jennifer Ayebazibwe declare that this Research Report is my own, unaided work. It is being submitted for the Degree of Master of Arts by Coursework and Research Report (Development Studies) at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at any other University.

Signed: 

20 June 2022

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Plagiarism Declaration

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Chapter 1: Introduction

This chapter explains the reasons for undertaking this study by delineating the broader context within which it was conceived of and conducted. It then states the research questions and justifies the study's relevance to scholarship. Lastly, the chapter presents an overview of the structure of this report.

1.1: Background of the study

Within the development context, although the importance of gender inclusion has become commonplace, it has often been misapplied. This misapplication is due to the tendency to perceive of gender in a binary sense i.e., denoting two opposite sexes which serves to marginalize and erase the experiences of queer people who do not conform to this binary construct. Thus, gender has become synonymous with women on the one hand and its narrow application then conceives of these women as heterosexual and cisgender (Cornwall & Jolly, 2009).

While the failure to adequately frame development through a comprehensive gender lens has been well challenged (Agarwal, 1995; Tamale, 2020; Walker, 2009), the concept and limited scope of a binary gender model has proved difficult to dismantle. This has been, in part, because the development industry tends to shy away from matters of sexuality outside of interventions within the healthcare framework such as the fight against HIV/AIDS (Cornwall et al., 2008). However, gains by the queer movement and allies are slowly but surely denting this binary concept. Also, while queer advocacy has tended to focus on social issues such as tackling queerphobia and Gender-based violence (GBV) and access to social services such as healthcare, the need for queer inclusion in the resource sphere is receiving increasing attention (Badgett et al., 2019; Drucker, 2009; Nyeck et al., 2019; Poku et al., 2017). This shift has also been witnessed on the issue of queer access to land and land-based resources (Console, 2020; Leslie, 2019; LGBT Sem Terra, 2020; Mafolo, 2020; Sbicca, 2012).

Moreover, this recognition is also becoming visible within the field of international development where queer people have historically not only faced erasure but animosity. For instance, one of the principles of Sustainable Development Goals (SDGs) is to "leave no one behind", a subtler wording for including the needs of queer people after extensive

campaigning by queer organisations and their allies (Dorey, 2021). Alternatively, some scholars have used the concept of "leaving no one behind" to argue for queer inclusion from an SDG perspective and Agenda 2063 (Poku et al., 2017) which is Africa's own framework for achieving "inclusive and sustainable development" (African Union, n.d.). Furthermore, organisations such as the World Bank are coming to the debate and arguing that queer people comprise of the most marginalised populations globally which has cross-cutting detrimental effects across national and global efforts to meet developmental goals (Koehler & SOGI Task Force, 2015). Legal and social discrimination and broad-based policies that are not cognizant of their specific needs serve to undermine queer inclusion in economic and development policy. In fact, some studies suggest that countries that are more accepting and economically and developmentally more inclusive of queer people tend to fare better on indicators of social well-being and economic growth (Badgett et al., 2019).

The Constitution of the Republic of South Africa, 1996 is broadly acknowledged as one of the most progressive constitutions in the world. This is because it attaches great value to the dignity and autonomy of all South African citizens regardless of gender, race, and sexual orientation. In fact, South Africa was one of the first countries to legalise same-sex marriage, certainly the only one on the African continent to have achieved this milestone[1]. Regardless of this progressive stance however, queer South Africans continue to experience high rates of discrimination and violence (Gallagher, 2022; SA Government News Agency, 2021) in their daily lives and their identity remains highly contested (De Waal, 2012; Ntlama, 2014; OUT LGBT Well-being & Nudge, 2016; The Other Foundation, 2016) which presents restrictions in terms of resource access and social integration. Furthermore, there is no mention of queer people in development policy and certainly none in land reform policy yet queer people experience socio-economic exclusion due to the prevailing hostility towards them (Nyeck et al., 2019).

For instance, a survey conducted by The Other Foundation, the largest of its kind ever produced on the African continent, indicated that as of 2016, 72% of South Africans considered homosexuality morally wrong and 70% percent were against gender

[1] See, for instance, Navarre, B. and Trimble, M. (2021) 'Where Same-Sex marriage has been legalized around the World', *US News*, 16 December. Available at: https://www.usnews.com/news/best-countries/articles/countries-where-same-sex-marriage-is-legal (Accessed: 21 March 2022).

nonconformity in relation to how individuals dressed and presented (The Other Foundation, 2016). Additionally, Nyeck et al., (2019) argue that the socio-economic issues facing the queer community have their origins in South Africa's apartheid history whereby the apartheid regime sowed the seed of homophobia and transphobia which seed was left to mature post-1994. The consequences are broadly felt in economic, health, and social exclusion, to name a few. This is particularly pertinent since the post-apartheid land reform programme was initially constructed around socio-economic transformation for the betterment of those who have historically been excluded from the economy (Department of Land Affairs, 1997; Republic of South Africa, 1994).

The hostility queer South Africans face is similar to that experienced by queer people in other parts of the world. This has often prompted queer strategies to counter the marginalization arising from it, for instance, the lesbian separatist movement of the 1970s and 1980s in the United States of America (USA) was a response to what its members perceived as a hostile and disabling environment when it came to land access and use for its members (Anahita, 2009; Levy, 2009). Also known as landdykes, these separatists bought land in rural parts of the USA for their members, most of whom would not have been able to access it otherwise. Access to land was not the only issue the lesbian separatists sought to resolve however, their approach to land also tended to contrast that sanctioned by government or considered commercially profitable. On lesbian land, an ecofeminist praxis guided the relationship with land. As Gaard (1997) argues, ecofeminism was borne out of an understanding that forces of oppression are mutually reinforcing, and women's and queer liberation was hinged on that of nature. Thus, queer scholarship on land also tends to explore the ways in which identity impacts land use (Leslie, 2017, 2019; Sandilands, 2002; Sbicca, 2012) because this use tends to take place within heteronormative and patriarchal contexts which present limitations for queer people.

The 1997 white paper on land policy mentions "the need to remove the practices which discriminate against women acquiring land" (Department of Land Affairs, 1997) as one of the impediments to be addressed if land reform is to be successful. Since then, women have been habitually mentioned in policy and rhetoric as a priority group. While this prioritization has generally not generated the intended results (CGE, 2009; Didiza, 2021), largely because the practices preventing women's access remain in place (Kedibone Juda-Chembe, 2018), the

extent and composition of this category "women" is also unclear. Furthermore, scholarly arguments for women's access to land tend to be linked to their gender roles as mothers and social roles as nurturers (Walker, 2009). This report argues that the conventional categorisation obscures the extent to which gender and sexuality function to limit access to land and land-based resources and thus intends to fill the current gap in scholarship by broadening the concept of gender to include queer people in the land debate.

The term queer will be used throughout this report to refer to people who are not heterosexual and/or cisgender[2] who make the focus of this study. Specific identifiers such as lesbian, gay, bisexual, or transgender will also be used where necessary. The term is used to both identify and symbolise. As an identity marker, queer encompasses all non-cisgender and non-heterosexual persons while as a symbol, queer subverts and transgresses. In the latter context, the use of the word queer aligns with the objectives of this study whereby land matters have often been explored from a heteronormative and conventionally gendered perspective. By queerying,[3] I intend to both include queerness to land analysis whilst also challenging this area of study.

1.2: Research Topic & Question

Research Topic

Queerying the Land Debate: A Case for Inclusivity

Research Question

This research report answers the questions: What do queer experiences with land tell us about South Africa's post-1994 land reform programme?

Research sub-questions

In order to answer the main question, three sub-questions are utilized:

1. How do queer South Africans conceptualise their relationship with land and land-based resources?

[2] A person who identifies with the gender corresponding to the sex they were assigned at birth, for instance, a man who was assigned male at birth.

[3] Intentional word play meaning to simultaneously query and queer.

3. How do queer South Africans navigate the various institutions enabling access to land and land-based resources?

2. In what ways does queer identity shape and influence land use?

1.3: Research rationale

The complete absence of literature on queer people and land in South Africa demonstrates the need to expand gender analysis by delinking it from cisgender/heterosexual assumptions in order to create space for a more nuanced approach. While the queer community could be considered too small to provide significant insights into the gendered land question, literature and examples coming out of the USA (Leslie, 2017, 2019; Levy, 2009; Sandilands, 2002; Sbicca, 2012; Wypler, 2019) and other parts of the world such as Brazil (Console, 2020; La Via Campesina: International Peasants' Movement, 2015) and Taiwan (Creery, 2018; Tattersfield, 2019b, 2019a) on the subject would suggest this not to be the case. Using queer experiences, scholars and activists highlight the structural inequities inherent in the dominant approach to land reform, which is often heteronormative and patriarchal in nature. Furthermore, research from the USA provides useful alternatives devised by queer people to access knowledge, skills, support, and land, to mention a few, when faced with discrimination and exclusion (Anahita, 2009; Leslie, 2019; Sandilands, 2002; Sbicca, 2012; Wypler, 2019) which can provide a counter narrative to marginalized communities elsewhere.

Large commercial farming and exploitative land uses such as the extraction of non-renewable resources from the earth have higher ecological footprints, yet this model remains favoured in South Africa's official land-based development (Bernstein, 2013; Claassens, 2018; Cochet & Anseeuw, 2015; Cousins, 2016). This, while global warming has reached unsustainable levels and is endangering livelihoods with poorer rural communities and subsistence farmers bearing the brunt of climate change and ecological degradation (Tadesse, 2010; Ware & Doig, 2014). Queer farmers and organizations that incorporate an intersectional ethos are interrogating such farming methods with a more diverse toolkit. For instance, queer ecofeminists in the USA are intentional in creating farming cultures that relate less exploitatively with the earth (G. Gaard, 1997; Sandilands, 2002; Wypler, 2019). Similarly, *Movimento dos Trabalhadores Rurais Sem Terra/Landless Workers Movement* (MST) in Brazil

uses an intersectional approach to critique large agri-business and capitalist exploitation premised on the intersections of class, sexism, racism, and an intolerance for gender and sexual minorities (Console, 2020; La Via Campesina: International Peasants' Movement, 2015; Nyoka, 2021).

The failure for South Africa's land reform strategy to significantly alter distribution patterns and agrarian practices or to deal with poverty and spatial and socio-economic inequality (Presidential Advisory Panel on Land Reform and Agriculture, 2019) also suggests a need for a fresh lens in the search for radical alternatives which this report hopes to contribute to. Furthermore, the need to be intentional in inclusion arises from the fact that government programmes often run the risk of reproducing problematic power dynamics if they are not challenged. For instance, as Keep & Hall argue, the Proactive Land Acquisition Strategy (PLAS)—government's flagship land redistribution instrument—insists on mentors, the majority of whom are white, before applications from potential beneficiaries can be considered (2016: 132). This has created a situation whereby beneficiary marginalization is perpetuated by the unequal power dynamics resulting from these mentorships (p. 134).

While government routinely singles out women, youth, and the disabled as groups to prioritize (Department of Rural Development and Land Reform, 2020; Didiza, 2021) such prioritization without a complete overhaul of the structures that cause exclusion is ineffective as some have argued (Tamale, 2004; Walker, 2003, 2009). Secondly, nowhere is the queer community recognized as a group deserving prioritization, even as transphobia and homophobia continue to render them personae non gratae in South African despite the progressive post-apartheid constitution (Matebeni, 2011; Müller, 2019). Yet, for gender and sexual minorities, the marginalization and stigma they face on top of historical dispossession aggravates their circumstances (Collison, 2020).

A queer lens does not seek to replace gender analysis but rather to expand, augment and strengthen it; to delink women and gender by taking the argument further than the conventional gender lens is able to. The heterosexual, cisgender assumptions of conventional gender analysis also tend to obscure the particularities of queer subjects and how these play out in the land domain.

Furthermore, the challenges facing land reform such as insufficient support for beneficiaries, limited access to funding opportunities, failure to provide adequate training, models of land reform that are ill suited to realities or preferences of the beneficiaries, problematic institutions, and the impact thereof (e.g., traditional authorities) have all worked to undermine the government's efforts at realizing its initial objectives of using the land reform programme to structurally, spatially, and socio-economically alter the legacy of apartheid.

Which leaves some unanswered questions such as how do queer South Africans fit into the land reform process? What drives their demand for land if such demand exists at all? Have they been accommodated by the various reform and redistributive instruments? What are their experiences in this regard? Research investigating the experiences of queer South Africans vis-à-vis their access and use of land is currently missing and this study intends to contribute to the land debate by filling this gap.

1.4: Structure of the report

This report comprises of 5 interrelated chapters. **Chapter one** provides a contextual background, states the research topic and questions, and presents the rationale for undertaking the study. **Chapter two** reviews some of the key literature on land by first clarifying the victims of apartheid dispossession and post-apartheid marginalization utilized in the land discourse. The chapter then offers a counter narrative which frames the colonial origins of queerphobia and discusses some of the strategies and alternatives devised by queer people to challenge the heteronormative and gender binary hegemony. The chapter concludes with a discussion on the challenges bedevilling the post-apartheid land reform programme. **Chapter three** explains the methods used to conduct the study from which this report is derived by detailing the research approach, instrument, and sampling technique. It also describes the sample selected and ends by engaging with the ethical considerations involved in data collection and providing researcher reflexivity. **Chapter four** thematically presents and analyses the findings of this study and answers the research question posed above by situating queer people in the pre- and post-apartheid land narrative, discussing the ways in which queer identity intersects with the institutions administering, governing, and facilitating access to land and land-based resources to limit access. Lastly, the chapter analyses the ways in which identity shapes land use and the role of

safety considerations in queer decisions about land and land-based resources. **The fifth and final chapter** concludes by reiterating this study's main arguments and how they contributed to the process of achieving its objectives. It also articulates this study's contribution to the land discourse with its use of the queer lens. This is followed by a brief look at some of the study's methodological limitations and recommendations for future study. Also, each chapter's introduction outlines its structure to ease the reader's navigation of the contents therein.

Chapter 2: Literature Review

This chapter discusses key literature on land reform in post-apartheid South Africa and uses a queer lens to expand the concept of gender beyond South Africa and the narrow confines of its conventional scope. It does this by demonstrating how the narrow application came about and how it has shaped a queer counter-narrative on land and land-based resources. It begins by deconstructing the "master narrative" (Walker, 2010) to construct two binary post-apartheid land reform beneficiaries and demonstrate the absence of queer narratives in both scholarship and government policy. The chapter then discusses the origins of queerphobia in order to make sense of queer erasure in the land discourse. Queer strategies for land access and use against the backdrop of a hostile patriarchal and heteronormative landscape and their resultant strategies follow. Lastly, the chapter looks at some of the problems that have bedevilled the post-apartheid land reform programme such as the limited support received by land beneficiaries and its ramifications on agrarian transformation; the role of traditional authorities in undermining land rights for residents of former homelands; as well as the degree to which the government has been able to achieve its original intentions of socio-economic transformation, restoration, and dignity for all.

2.1: Add women and stir? Gender and land in post-apartheid South Africa

There is a dearth of scholarship on land reform in South Africa engaging with or seeking to understand the experiences of queer persons. Where gender has featured, it is conventionally conceptualised and applied with no attempts to broaden its perimeters to include the experiences, challenges, and perspectives of queer people (CGE, 2009; Hart et al., 2018; Moyo, 2013; Walker, 2009). This has been the case in land reform policy as well where habitual mention of women as special categories is made but clarity on the scope of this category is lacking (Department of Land Affairs, 1997; Didiza, 2021). Thus, the focus is generally on the experiences of poor rural women and their experiences particularly under territories governed by traditional authorities (Kedibone Juda-Chembe, 2018; Makhaye, 2020; Rangan & Gilmartin, 2002).

Walker (2009) observes that "Given the presumption of masculinity as the political norm in South Africa, the implicit subject of racial redress is male unless otherwise specified." (p.482) I would add cisgender heterosexual male to that and label this "implicit subject" as the

primary victim and also assert that an equal but opposite image of the marginalized subject has been constructed in post-apartheid land discourse. This marginalized subject, whom I shall label as the secondary victim, is also cisgender heterosexual except that she is female.

While the primary victim has his origins in the "master narrative" which was instrumental in promoting the notion of a homogenous and collective apartheid dispossession used in mobilising support against the colonial and apartheid regimes (Walker, 2010). In an equal but opposite way, the post-apartheid conventional gender framework relies on a similar logic to construct the secondary victim who is poor, black, rural, and a heterosexual cisgender woman in popular imagination. This is demonstrated by the tendency to structure solutions for this disenfranchised secondary victim around access to land for subsistence farming and human settlement because her positionality suggests that she is also a mother and wife thus her ambitions are located in providing food and shelter for herself and her family at a small scale.

The above also clarifies the bimodality of the land reform programme structured around supporting the primary victim to pursue large scale commercial farming on one hand while engendering modest land-based livelihoods for the secondary victim as articulated in the *National Policy for Beneficiary Selection and Land Allocation* (Department of Rural Development and Land Reform, 2020). However, this bimodal structure makes no space for queer identities nor the potential ways such identities might shape land access and use in post-apartheid South Africa. It certainly makes no attempt to engage with the ways in which a queerphobic environment (ActionAid, 2009; Ditsie & Newman, 2002; Müller, 2019b; OUT LGBT Well-being & Nudge, 2016; SA Government News Agency, 2021; Ujamaa Centre, 2021) might inhibit access to land for queer persons nor how queer identity might alter the prevailing bimodal land use structure.

2.2: Queering land: expanding the concept of gender

While we are light years away from the adoption of a queer framework in land and development policy, queer feminist scholars have in fact began to use this lens to extend gender land analysis beyond the binary (G. Gaard, 1997; Leslie, 2017; Sandilands, 2002; Wypler, 2019). For instance, ecofeminists argue that Western culture relies on dualistic constructions of the self and the other to control both women and nature (G. Gaard, 1997; G.

C. Gaard, 1993; Sandilands, 2002). They assert that the domination, exploitation, and oppression of women and that of nature are mutually reinforcing and their liberation is equally tied to each other (Gaard, 1997: 115). This domination is produced and reproduced through culture, religion, the economy, and tradition.

2.2.1: Framing the colonial origins of queerphobia

However, while ecofeminists made the link between women and nature, they tended to limit their analysis to a heterosexual and binary framework as well. Hence, Gaard makes a case for a queer ecofeminism which unites queer theory and ecofeminism since all oppression is interconnected. She argues that while ecofeminism has challenged heterosexism (The privileging of heterosexuality and subsequent marginalization of those who do not conform to it), this is not always emphasized enough. She asserts that "…when nature is feminized and thereby eroticized, and culture is masculinized, the culture-nature relationship becomes one of compulsory heterosexuality" (1997: 127). Implying that the feminization and eroticization of nature links both it and women in mutual oppression while compulsory heterosexuality provides grounds for queer marginalization.

Hence, just as ecofeminism builds a case for shared subordination between women and nature, Tamale posits that ecofeminism is in fact embedded in the African relationship with nature even if African feminists have largely not adopted the European term for themselves (Tamale, 2020: 87). Gaard extends this argument to queer and colonised people by asserting that compulsory European heterosexuality deems anything outside of its perimeters as both "queer and subhuman." (p.126) It is on this basis that colonialism was packaged as the civilisation of the hypersexual barbaric native. She cites the Spanish conquest of the Americas whereby they took it upon themselves to de-queer the native people whose sexuality was seen as an afront to the colonizers' Christian morality. The Spanish used "Gender-role deviance and the accepted presence of nonheterosexual erotic practices" in these territories and the subsequent need to civilise the natives out of these practices to rationalize "genocide and colonialism." (p.125)

The hyper-sexualisation of the natives is also tackled by Stuart Hall (1996) in his analysis of how the discourse of the West and the Rest was created to enable colonialism and the subsequent subordination and domination of colonised people. Hall notes that accounts by

European travellers spoke of the natives they encountered as "more addicted… to incest, sodomy, and licentiousness than any other race." (p.214) Hall argues that this process of othering laid the foundation for the characterisation of societies along a West-non-West spectrum whereby the west was civilised, industrialised, developed, knowledgeable, scientific, and good while the opposite was true for the non-West. Such characterisation was used as grounds for colonisation in order to bring non-West societies closer to Western standards.

Gaard terms the fear with which colonisers perceived free sexuality "erotophobia" and concludes by saying that this fear is still today used to marginalize queer people and those whose bodies are erotically objectified. Erotophobia served two purposes, that of distinguishing the coloniser from the colonised and that of giving the coloniser permission to correct what they perceived as an affront to God and nature. Thus, she asserts that "Rejecting that colonization requires embracing the erotic in all its diversity and building coalitions for creating a democratic, ecological culture based on our shared liberation."(1997: 127)

Similarly, in her keynote speech for the Eudy Simelane[4] Memorial Lecture 2021, Prof Zethu Matebeni (Ujamaa Centre, 2021) draws similar conclusions about South Africa's history of colonial violence, the feminisation of the land and the men and how this has shaped the treatment of women, queer people, and the land. She asserts that "colonisers raped the land" by taking it without the consent of those who lived on it. They then created a hierarchy in which those at the bottom of the patriarchal system i.e., women and queer people, ceased to be seen as human beings. She uses this analysis to explain the high rates of GBV and the extractivist relationship with land that has since dominated land-based development. She states that in popular imagination, queer people are nothing and the continued brutalisation of queer and women's bodies demonstrates the inability to decolonise post-apartheid society and the failure to undo the version of masculinity colonialism instituted. Other feminist scholars have made similar arguments on colonialism and the gender relations it imposed on the colonised (Tamale, 2020).

[4] A lesbian footballer star and activist who was brutally raped and murdered because of her sexuality in Kwa Thema, Gauteng in 2008. For more on Simelane see, Gallagher, A. (2022, February 8). Eudy Simelane: Is the LGBTQ community safer 14 years later? MambaOnline.Com. https://www.mambaonline.com/2022/02/08/eudy-simelane-is-the-lgbtq-community-safer-14-years-later/

Fanon in *The Wretched of the Earth* (2004) also speaks of this othering and the complete negation of the humanity of the colonized by the coloniser. He asserts that for the coloniser, the colonized subject ceases to exist as a person and becomes part of the landscape, to be tamed and bent to the coloniser's will. "A hostile, ungovernable, and fundamentally rebellious Nature is in fact synonymous in the colonies with the bush, the mosquitoes, the natives, and disease." (p.182) Colonial triumph relies on taming all these aspects of the colony. Thus, the obliteration of the essence of the native (which essence includes their precolonial culture, sexuality, and relationship with land) and its substitution with the coloniser's image and worldview i.e., compulsory heterosexuality and capitalist extractivism, is essential to the success of the colonisation project.

Thus, it can be argued that religious fundamentalists have morphed the erotophobia of the colonial era into today's 'sex wars' (militant opposition to "granting sexual rights and freedoms to those who fail to conform to their prescribed norms"(Cornwall et al., 2008: 2)). Cornwall et al., argue that sex wars have broader implications for development over and above their direct impact on sexual minorities. They shape policy on abortion and HIV prevention, comprehensive sex education, and teenage pregnancy, they have repercussions for sex work and human trafficking, and they police masculinities in ways that impede male vulnerabilities (p.18). This could, for instance, explain the higher rates of suicide in men (Schumacher, 2019). Sex wars also serve to marginalize the needs of queer people and create hysteria around queer inclusion in development processes.

2.2.2: Queer strategies for land access and use

It is such hegemonic heterosexuality and gender binarism as argued in the preceding section that has led queer scholars to begin to deconstruct the intersections between queerness and land. For instance, while studying queer land access strategies in New England, USA, Lesli (2019) found that queer land access is affected by factors over and above those faced by non-queer people. For instance, fears and perceptions of queerphobia inhibited queer ability to access land in cheaper rural areas. Such considerations place economic, social, and time constraints on queer people in their use of land that would not be visible from a conventional gender lens.

Additionally, queer farmers rely on queer networks as a way around the heterosexism they experienced in conventional spaces, this was particularly the case when acquiring skills (Leslie, 2019). Queer apprentices on non-queer farms for instance, felt isolated because such spaces were not culturally compatible with their own lived reality leading them to seek out experienced queer farmers for mentorship (p.941). Leslie notes that some queer people relied on queer networks to access land when their mentors retired or passed on.

Leslie argues that when commodities such as land, labour, credit, and knowledge are treated as goods and left to the market forces of supply and demand to regulate, farmers who want to farm sustainably are disadvantaged because their access and use of these commodities does not engender profitability in the same way that industrial farming does (2019: 942). In this way, profitability in farming entails subscription to the dominant model whose ideological underpinnings do not always align with those of queer sustainable farmers. The failure to conform to the dominant model automatically leads to exclusion and marginalization.

Furthermore, land access is a "heteronormative process of capital accumulation" (Leslie, 2019: 942) with heterosexual relationships central to the prevailing design by which the conventional path to this access entails. Meaning that by design, the available channels to accessing and using land are constructed around heterosexual relationships whilst being equally inhibiting for queer people. Furthermore, the hostility experienced by queer people as discussed above pushes them out of the race for affordable land, yet their challenges are hardly acknowledged and addressed.

Queer subjectivity is also evident in the queer movement within La Via Campesina where queer people are using their presence in member organisations to highlight and tackle queerphobia by exposing its roots. They argue that the struggle for land cannot be isolated from other struggles against patriarchy, GBV, capitalism, and other impediments to autonomous self-expression. "Patriarchy destroys, capitalism makes war, LGBT blood is also landless blood"(LGBT Sem Terra, 2020) is the militant cry of the landless LGBT within MST. Hence, it is not enough to win the struggle for land if the social injustices that created it remain unchallenged. Their presence is thus intended to undermine the notion that queer issues are urban, not indigenous, and removed from ordinary struggles for land and land-based resources.

Since 2015, MST has become increasingly intentional in including queer members through its political education programmes due to a recognition of the interconnectedness of their struggles (Console, 2020; La Via Campesina: International Peasants' Movement, 2015; Nyoka, 2021). The struggle for land is thus understood alongside the struggle for individual autonomy and the right to self-expression. This intentional inclusion of queer struggles in the organisational and political ethos of the movement is passed on to members during periods of land occupation while they await legal judgement (Hammond & Rossi, 2013).

In 2017, queer members of MST released the *MST and Sexual Diversity: Questions for Debate* booklet that now forms part of MST's political education (Nyoka, 2021: para.13). Such politicisation serves the purpose of inculcating members from diverse backgrounds with a collective vision, a useful strategy with the potential to feed into future community cohesion after legal settlement. Inculcation also serves to shift cultural frameworks in ways that engender equitable access to land. Such efforts are missing in South Africa's land reform strategy even though the government is constitutionally mandated to alter the context in ways that allow for equitable access to land and land-based resources. Thus, sexism and gender discrimination are rife in contexts under former homelands where women's participation in land related decision-making is curtailed undermining their access to land and land-based resources as well as tenure security (Kedibone Juda-Chembe, 2018; Makhaye, 2020; Sihlali, 2019).

Moreover, queer people within MST seek to broaden the land debate with their presence and influence in order to shift the conventional approach to land issues. As Maysa Matias, a queer MST member reflected "You don't fragment the subject, there's no way I can say, 'Today I feel more like a lesbian, or I feel more like a woman, Oh no, a lie, now I feel black'." (LGBT Sem Terra, 2020: 8:40). In this sense, a queer lens has the potential to illuminate the ways in which identities intersect within an individual to limit access. Additionally, if such illumination shapes government land policy, the potential for positive social transformation increases.

2.2.3: Separatist alternatives

The refusal to fragment the subject was perhaps also behind the lesbian land movement whereby lesbian women sought to form spaces for a lesbian land praxis. Sandilands argues that the lesbian separatist movement was "at least in part, about developing a distinct lesbian

culture of nature." (2002: 132) Sandilands uses this culture of nature to build on a queer ecology using stories from lesbian separatists stretching over 30 years in communities in Southern Oregon, USA (p.135). She states that separatism was a way for the women to live simply and in tune with nature: to grow their own food, build their own houses, develop alternative spiritual and healing practices, and produce a low ecological footprint, amongst others in order to re-conscientize themselves outside of heteropatriarchal and capitalist influences.

Sandilands notes that the approach adopted by the separatists was instrumental in "… the development of more and more complex knowledges of nature." (p.156) The separatists' knowledge of the landscape went through an evolution over the 30 years (at the time of Sandilands study) which have enriched an understanding of nature from their praxis. Although the separatists originally had utopian idylls about rurality, she finds that their presence changed the rural landscape, but their doctrine and worldview was also changed by it.

Anahita demonstrates that before setting off the landdyke movement, other opportunities for coming together to form a collective "prefigurative" politic were available for the women of this movement. Prefigurative here means a politic and praxis that seeks to form the foundation for future generations to emulate (2009: 722). These opportunities for mobilising were found at "women's music festivals, consciousness-raising groups, and urban collectives" thus enabling collective organising and politicization. These avenues could be likened to the MST's political education during periods of occupation discussed above and demonstrate the need for collective efforts towards conscientization when attempting to transform society.

Anahita notes that while land was cheaper in the 1970s, well located and well serviced land with pre-existing infrastructure was even then not affordable. Hence, she states that most of the land bought was of poorer quality in far flung territories with limited access to economic activity, and quite open to the hostile elements. Hence life on these lands was one of hardship and struggle yet the idea of being part of a reshaping of society for future generations to emulate kept the women going (Anahita, 2009: 724). Nonetheless, the hardship might explain why these communities have dwindled in size since the height of their popularity in the 1970s and 1980s.

Additionally, Sandilands observes that the early lesbian separatists sought out rural spaces because they were considered untainted by the heteropatriarchy unlike the urban areas (2002: 138). These gendered parallels are also visible in the disjuncture between women's land interests and those of the government in South Africa. For instance, The WoMin Collective states their mission as "building of women's movements to challenge destructive extractivism and to propose development alternatives that respond to the majority of African women's needs."(2017: 423). From this mission statement, it is clear that women consider the dominant development hegemony antithetical to their own interests. Also, since men dominate African politics and economies, it is possible that this stems from the "outsider" position women occupy and the knowledge that decisions made by men cannot apply across the board in meaningful ways.

Extractivism is here defined as the process by which non-renewable resources such as minerals and fossil fuels as well as raw materials such as agricultural produce leave the global South for processing in the global north. At the centre of this unequal exchange are MNCs and local as well as international elite. This extractivism serves the purposes of depleting these resources, destroying the natural environment, and increasing inequality both within states and globally between South and North (The WoMin Collective, 2017: 426). This inequality is also felt between the core and the periphery even within states i.e., between urban and rural.

Tamale further reinforces this point by noting that the automatic assumption of maleness as the operating currency in society is how women are kept out of the "public sphere" and subsequently, from access to productive resources (Tamale, 2004: 53). This standard is an invisible gatekeeper in this case because it relies on innate male attributes to award access to the resource realm akin to the primary apartheid victim identified under 2.1 (p.10) above.

Hence, separatism served the purpose of extricating the lesbian women from their urban, patriarchal, capitalist shackles. It also gave them an opportunity to recreate the rural into their own image by applying an ecofeminist framework which allowed them to explore different forms of governance, ownership, production, intimacy, communalism, as well as spirituality and healing (Sandilands, 2002). It can be argued that the women wanted to create a queer consciousness by reimagining all aspects of their lives. Land provided both physical and theoretical opportunities for experimentation.

Anahita argues that despite the harsh conditions, the ownership and access to land the movement continues to engender is radical and empowering because all women in the USA were historically excluded from land ownership until as recently as the 1960s. She notes that for the women living on the lands today "…the lesbian land movement offered their only real possibility of having access to land." She adds that this was true for the majority of the women whether they were from middle class families or not (p.726). Hence, the hardship was a small price to pay for the opportunity to own and control their own land.

Strategies for ownership differ in these communities from some providing land free of charge and free of restrictions to others requiring a minimal purchase fee with enabling payment terms including cheap loans for infrastructure investment (Anahita, 2009: 727). Overall, the lesbian lands demonstrate the capacity to privately pursue land reform in ways that align with the ethos of the group and provide opportunities for land-based livelihoods that are generally not conventionally available.

Moreover, separatist lands offer the type of bodily autonomy that is difficult to access outside these territories (Anahita, 2009: 734). The women are able to exist away from the male gaze without constant objectification and threats of violence to enforce conformity to heterosexuality and gender expression. This violence is experienced daily by queer people limiting their access to resources such as land and the economy in general (Koehler & SOGI Task Force, 2015; Nyeck et al., 2019)

As Gqola emphasises In *Rape: A South African nightmare,* the threat of rape is an "effective way to keep women in check and often results in women curtailing their movement in a physical and psychological manner." (2015: 79) This is achieved through social conditioning in both words and actions performed over and over with the intention to make the target aware of their vulnerability. This strategy is used to assert power over women, trans people, and men who do not perform masculinity effectively. As Cornwall et al., argue (2008) discrimination is highest for "those who fail to conform to normative expectations of gender expression, women who adopt 'masculine' modes of dress and behaviour – irrespective of their sexual preferences." The key message is to show control over territory and identity and subsequently over resources and how they are distributed.

Thus, part of the landdyke ethos is an encouragement to their members to rethink their own body politics and unlearn conventional trappings of the gender binary (Anahita, 2009). This was actualised through "the development of alternative and liberating ideals such as female self-sufficiency, bodily strength, autonomy from men and patriarchal systems..." (p.729) This rebellion was intended to break the shackles of the gender binary hegemony on which heterosexuality is premised.

In fact, the movement has also inspired others such as the similarly named and also politically linked Landdyke group in Taiwan (Tattersfield, 2019b). Although much smaller, this group sees access to land as an opportunity to create an approach that contrasts the dominant commercial model which they perceive as unsustainable and hostile. It is perhaps also an opportunity to create a queer culture of nature in their everyday practice. Similar to their USA counterparts, they are also using this opportunity to reimagine and reconfigure their relationships with land, each other, and their own bodies.

Similarly, the Umoja women's only village in Samburu, Northern Kenya is another example of women choosing to separate themselves from a hostile and disabling society. Although the heterosexuality of these women is often emphasized, they also chose to separate from a society in which GBV and patriarchy renders them voiceless and peripheral to create a niche where they could thrive outside of conventional confines. Created three decades ago by Rebecca Lolosoli[5] The women of Umoja have used their collective voice to both fight against cultural practices that undermine women's social status as well as to improve their own ownership and control over land – a resource that is typically the preserve of men in Samburu (Kirui, 2021). The decision to separate was a rejection of the patriarchal values and norms the women were subjected to and exemplifies a refusal to continue to plead for inclusion and cultural transformation.

These cases of separatism gives credence to Tamale's point when she says that "all programmes that seek to transform African economies must simultaneously seek to transform African masculinity, femininity and gender relations" (2004: 60). No efforts to fill quotas or add more women to patriarchal structures as pursued for the South African

[5] See more on Rebecca Lolosoli: *Rebecca Lolosoli* (no date) *Vital Voices*. Available at: https://www.vitalvoices.org/people/rebecca-lolosoli/ (Accessed: 2 March 2022).

government can fundamentally and meaningfully transform society (Tamale, 2020: 9). At the heart of the arguments made here is the knowledge that no inclusion is possible if the conditions that led to exclusion are not deconstructed and dismantled starting with the gender ideologies which marginalize all those deemed inferior by colonisation and patriarchy.

Moreover, what the various queer efforts discussed above demonstrate is the existence of a queer counter-narrative, albeit at a moderate scale, whose intention is to challenge the dominant framework and its patriarchal, heteronormative, and cisnormative (the privileging of conventional gender identity) roots governing access to and use of land and land-based resources. The counter narrative also serves to visibilize queer subjects and queer approaches in a land discourse that has largely erased them.

2.3: Post-apartheid land reform: problems and challenges

The land reform design and implementation since 1994 has been structured around the homogenous yet in effect male primary victim introduced in 2.1 (p.9) above as will be further demonstrated in this section. The narrative has for instance focused on race as the primary factor of dispossession and grounds for land reform thus neglecting other intersecting identities such as gender, class, and sexuality and how these shaped individual experiences. Yet, for instance, gender discrimination was concomitantly used with race to undermine black women's tenure security and citizenship in both the homelands and on white farms during the colonial and apartheid era (CGE, 2009: 23).

It is also this tendency to homogenise apartheid dispossession that has seen women's issues relegated to the margins of the dominant narrative in both the post-apartheid nation building project (Armstrong, 1994; Gqola, 2015) as well as the land reform process. The dichotomy between prioritization of race or gender and sexuality is in any case false since all these hierarchies are products of colonialisation (Tamale, 2020). Since land reform was in part a process of decolonisation, nothing short of a recognition of the intersecting and intricately woven relationships with capitalism and between and amongst these hierarchies can bring about the requisite post-apartheid transformation.

In 1994, the ANC set out to redistribute 30 percent of agricultural land from white owners to about 8 million households over a period of five years using the Settlement/Land Acquisition Grants (SLAG) (Borras, 2003: 385). In numbers this would see to a transfer of 26 million hectares of approximately 86 million hectares of viable farmland (Hall, 2004: 214) yet by the end of the five years, only 480,000 hectares were transferred benefiting a more modest 200,000 households (Borras, 2003: 385). This redistribution was part of a comprehensive three-pronged reform programme targeting: restitution to redress historical expropriation without adequate compensation; redistribution to undo racially biased unequal land distribution; and tenure reform to improve security of tenure. However, less than seven percent of the initial target had been transferred by 2019 (Presidential Advisory Panel on Land Reform and Agriculture, 2019: 33).

The SLAG instrument, framed in the emancipatory language of the Reconstruction and Development Programme (RDP), was hailed as pro-poor (Atuahene, 2011a; Terreblanche, 1999). SLAG grants amounting to R16,000 per household were aimed at those with incomes of R1500 or less per month; a quarter of the claimants had incomes over this ceiling (Borras, 2003: 384). Due to the modest size of the grant amounts however, the majority of the households had to enter into Community Property Associations (CPA) or form trusts by pooling grants through which they'd receive titles to the land. As of 2017, these CPAs owned most of the land distributed through the restitution and redistribution programmes (Hornby et al., 2017: 6). In reality, the demand to pool funds led to untenable group power dynamics in which a few members wanted to control decision making. Additionally, due to limited government support in terms of running the CPAs, management has been poor which has compromised the tenure security of their members (p.6).

The Presidential Advisory Panel on Land Reform (2019) also raised the issue of tenure security, stating that it is one of the primary sources of economic exclusion in South Africa and disproportionately affects women and the youth. According to the report, there were "over 60% citizens whose land/property rights are not recorded or registered" as of 2019 (p.V). Moreover, tenure insecurity has led to a situation whereby a bimodal system inherited from the apartheid era in which tenure insecurity cuts across gender and race lines remains intact and so do its effects on the ability to use land as collateral for funding acquisition through

financial institutions (p.V). This inability prevents economic integration through the continued marginalization of those who were rendered most vulnerable by apartheid laws and policies.

Furthermore, SLAG's flaws were embedded in its haphazard design whose aims and objectives were not well articulated (PLAAS, 2016). Thus, it was intended to be all things to its targeted beneficiaries and did not adequately delineate their needs. This was likely because of the homogenised victim of redress narrative discussed earlier, evidenced by the limited understanding of the particularities of the individual needs and circumstances. This narrative was manifested in the ambiguous focus on "communities" as beneficiaries, however, while some individuals sought land for settlement and subsistence, others intended to farm collectively or pursue other land-based interests. Furthermore, the focus on the poor also upset the commercial farming ambitions of the black elite who wished to individually farm commercially at a large scale (PLAAS, 2016: 16).

Moreover, government spending on land reform has gradually decreased since 1996 (Kepe & Hall, 2018: 113) which has contributed to the elite capture of agricultural production at the expense of the poor. From 2000, the Land Redistribution for Agricultural Development (LRAD) programme replaced SLAG with grants between R20,000-R100,000 directed at beneficiaries able to convince the government of their ability to farm profitably (Hall, 2004: 215). According to Hall, LRAD "was originally designed for people with capital to invest, preferably those with agricultural diplomas" (Hall, 2004: 215). Although the criterion was later changed to include poor recipients, the focus on resourced individuals did not change. LRAD was later replaced with the Proactive Land Acquisition Strategy (PLAS) under which the state became the landowner and beneficiaries were simply given use rights for 5 years which were then extended as needed (Keep & Hall, 2018: 132). This move towards a preference for the less disadvantaged has led to the corporatisation of agriculture and opened the way for big agri-business and multinationals to monopolise agricultural production (Kariuki, 2018: 224).

Furthermore, the emphasis on farming strategies inherited from the apartheid era limited beneficiary agency and resulted in the need to hire consultants to run the farms which left them worse off while consultants reaped all the benefits. In other cases, bringing in white expertise maintained problematic power dynamics between trainers and new owners (Cochet

& Anseeuw, 2015: 277). Additionally, the use of consultants to create project plans has created scenarios in which the beneficiaries are unable to effectively execute these plans once they acquire farms; the plans are generally based on large scale farming patterns used by the previous owners (p.277). Moreover, a 1970s act regulating subdivision of farmland remains in use (PLAAS, 2016: 17), inhibiting general ability to reconfigure farms to more manageable sizes and reiterating the preference for the large-scale farming model.

The shift from focusing on the poor under SLAG to the resourced under LRAD/PLAS exemplifies the cementation of neoliberalism in post-apartheid South Africa (Terreblanche, 1999). The SLAG grants to the poor presented problems for the state because apartheid proletarianized blacks by destroying black farming (Baldwin, 1975). This proletarianization then necessitated high levels of support in infrastructure, knowledge, and markets if an emerging black farming class was to stand a chance against well-established agri-businesses developed over decades of protectionism and a large-scale farming bias during apartheid (Bernstein, 2013; Cochet & Anseeuw, 2015). The state's limited capacity made provision of this support difficult hence the shift in focus; it is thus no surprise that majority of the beneficiaries of LRAD and PLAS have been men and the economically, socially, and politically connected (CGE, 2009; Cousins, 2016; Didiza, 2021).

Moreover, funding has been singled out as one of the most debilitating factors undermining entry for emerging farmers in post-apartheid South Africa (Mtombeni et al., 2019). Besides, the fact that funding is contingent on competitiveness which Cochet & Anseeuw argue is code for profitability means that one must fit into the pre-existing favoured model of commercial farming (p.289) to access it. For instance, the types of business plans capable of convincing the government of future profitability and sustainability of the farm are "moto mechanised; specialised, with the actual separation of cultivation and livestock farming activities; a major consumer of farm inputs (on irrigated land), fossil energy and irrigation water…" Regardless of government rhetoric in terms of priority groups and support to emerging farmers, Cousins (2016) also notes that in reality the large-scale farms receive most of the funds.

Thus, some have argued that the prevailing disparity in land ownership has origins in the State's inability to run an effective land reform programme (Atuahene, 2011b; Kepe & Hall,

2016; Walker, 2009). Atuahene, for instance, attributes this dismal performance to several factors some of which are funding constraints but considers "bureaucratic inexperience, ineffective policies, and organizational inefficiency" core to this failure (2011: 128). However, she fails to address the failure of the market-led framework to lead to equitable land reform as has been witnessed globally (Bryant, 1998; Leslie, 2019; S. Moyo, 2007).

As Moyo (2007: 16) argues, market-led land reform tends to favour the local and international elite by increasing their land concentration. Similar challenges of this model's tendency to create barriers to entry by marginalized groups such as women and the poor have also been identified by other scholars (Binswanger-Mkhize et al., 2009: 187; Bryant, 1998: 189; Leslie, 2019). Lahiff et al., (2007: 1419) further observe that market-led reform leaves women worse off since they historically did not have formal rights. Such a framework which does not address previous inequality across a broad range of identities, nor the power dynamics such inequality engendered is most likely to perpetuate said inequality.

This further aligns with the argument made in sub-sections 2.2.2 (p.14) and 2.2.3 (p.18) above whereby the market-led model tends to marginalize queer people given its heteronormative, colonial, capitalist, and patriarchal foundation. Also, the land use approaches supported by this model which are rooted in colonial extractivism tend to exclude those seeking to use land less exploitatively. Hence, the neoliberal ideological underpinnings framing the land reform process which contrast the government's allegedly transformative interests remain one of its biggest shortcomings.

Moreover, the recognition and strengthening of traditional authorities by the Constitution and acts such as the Traditional and Khoi-San Leadership Act 3 of 2019[6] (TKLA) which gave them powers akin to those they enjoyed under the Bantu Authorities Act of 1951 further demonstrates a departure from the emancipatory motives of the initial land reform programme. Not only have these authorities been demonstrably discriminatory towards women who are the government's professed prioritized groups (Kedibone Juda-Chembe, 2018; Rangan & Gilmartin, 2002; Sihlali, 2019) but they have also shown consistent hostility

[6] See, Republic of South Africa. (2019). Traditional and Khoi-San Leadership Act 3 of 2019. Government Gazette. https://www.gov.za/sites/default/files/gcis_document/201911/4286528-11act3of2019tradkhoisanleadership.pdf

towards queer people by for instance calling for the nullification of constitutional protections preventing discrimination on the basis of sexual orientation (De Waal, 2012; Ntlama, 2014).

It has also been argued that the strengthening of these authorities is linked to the government's own land-based development agenda and their role as unaccountable administrators of land and land-based resources in traditional territories. Thus, Claassens (2018) argues that the TKLA is a means for the political elite in partnership with traditional authority to circumvent due process when entering into mining ventures with mining giants.

While efforts to democratise traditional authorities have been shown, for instance, the Motlanthe report (2017) recommended an overhaul of the laws and frameworks governing former homelands in order to democratise and draw them into the constitutional perimeters with a view to protecting the rights and citizenship of the residents. It advises against the reliance on apartheid era boundaries to trap residents into territories not of their choosing and recommends that: membership should be based on affiliation not apartheid boundaries; it should be choice based whereby customary law applies to those who have subscribed to it (p.446); decision making should be consultative and traditional councils should conform to their membership stipulations i.e., a third women and 40% elected members; and lastly, the report recommends that the Ingonyama Trust Act be repealed or amended to protect the tenure rights of residents (p.278) amongst others. However, most of these recommendations have not been adopted and even those which were adopted have not produced the desired effect.

Land reform has therefore been largely unsuccessful in achieving its objectives. While marginalized groups such as women, youth, people with disabilities, tenant farmers, and farm workers, to name a few, are routinely singled out for prioritization, evidence points to their continued and in some cases worsening circumstances. For instance, farm evictions continue despite laws to improve tenure security (Akinola et al., 2021) and job losses as well as an increased dependence on a casual and external work force (Kariuki, 2018: 226) about. These circumstances are likely to get far worse with the recent introduction of a national minimum wage (S. Marais, 2022) which will undermine small farmers competitiveness, increase the shift to labour saving technologies, and result in further agrarian consolidation and monopolisation by MNCs.

Hence, while rural development is premised on agrarian transformation to alleviate poverty, reduce inequality, and alter racially biased land distribution patterns (Department of Rural Development and Land Reform, 2014), these have yet to be achieved, in fact, the opposite is happening (Francis & Webster, 2019). Moreover, the queer community remains conspicuously absent in any scholarship and policy even as their identities are contested and their bodies are sites of violence and discrimination (ActionAid, 2009; Gallagher, 2022; OUT LGBT Well-being & Nudge, 2016); and despite a constitutional mandate to foster conditions that engender equitable access to land and land-based resources for all.

Given that the post-apartheid land reform programme which is premised on a gender binary and dualistic framework has failed to achieve inclusive and equitable access to land as argued in this chapter; and given that government purportedly prioritizes women and other marginalized groups, yet this prioritization is not preceded by the requisite structural transformation to engender change. I argue that a queer lens is the next frontier in understanding the challenges to South Africa's land reform programme; that a queer lens would enable the deconstruction of obscure assumptions and biases embedded in the problematic framing that do not only affect queer people but cisgender heterosexual women and men and other marginalized groups.

The next chapter will explain the methodology used to construct this study, choose a sample, gather, and analyse the data in the process of answering this study's research question.

Chapter 3: Research Methodology

This chapter discusses the research methodology used to answer the research question by explaining the research approach, the research instrument as well as the sampling technique and sample used for data collection. It also outlines the data analysis strategy and explains the process of theme development on which the findings were based. Lastly, the chapter engages with the ethics of conducting online interviews and the dynamics therein and concludes with some comments on researcher reflexivity.

3.1: Using the qualitative approach to study queer access to land

This study used the qualitative approach and in-depth semi-structured interviews to investigate the experiences of 15 queer respondents from six South African provinces with the aim of understanding and using their experiences with land and land-based resources to analyse government's land reform process. The study explored the nature of the participants' land access or ownership and the circumstances that led to it; their experiences with institutions administering and governing land and land-based resources in order to understand how their queer identity intersected with them; as well as the nature of their land use and the ways in which their queer identity informed and shaped it. The interviews were conducted on the virtual platforms that were most convenient to the participants. Most of the interviews were conducted on Zoom (eight), three were on WhatsApp audio, two were via phone call, one was via Microsoft Teams, and one was a mix of email, WhatsApp audio, and phone call. This was in order to allow participants from a broad socio-economic background to take part in the study.

The qualitative approach was deemed most suitable for this study because as Denzin & Lincoln argue, this approach situates the researcher in the participants' world which is opened up through the instruments used to collect data. They add that "qualitative researchers study things in their natural settings, attempting to make sense of or interpret phenomena in terms of the meanings people bring to them."(2018: 43) The study aimed to get a glimpse into the experiences of the participants with land and land-based resources in order to understand what their experiences reveal about the land reform programme undertaken post-1994. It then relied on the data collected to form categories which were subsequently used to build the themes on which the findings are based. This method gave me the freedom to rely heavily

on the participants as experts in their own lives. Schutt states that "…qualitative methods have their greatest appeal when we need to explore new issues… or determine the meaning people give to their lives and actions." Since land reform has not been studied from a queer perspective within the South African context, I considered the qualitative method the most ideal for laying the foundational ground on this subject.

The length of the interviews varied, the shortest interview lasted 39:47 minutes and the longest was three hours and 46 minutes. However, most were an hour long on average. Participants were advised that the interviews would last between 45 minutes and an hour prior to commencement which information I reiterated at the 45-minute point, but I would also allow the participants to exercise agency when they wanted to share their story for longer—this was the case for the three-hour interview. The interviews took place between the 16th of September and the 1st of December 2021.

One of the core reasons for choosing the semi-structured interview technique was because I wanted to understand the emotions, reasons, and history behind the participants' experiences; to uncover their motivations and to understand their joys, desires, fears, and frustrations vis-à-vis land reform. Schutt states that qualitative methods "…capture social life as participants experience it, rather than in categories the researcher predetermines." (2018: 647). Hence, such a nuanced engagement with stories that does not simply seek to reproduce data as it is given but that breaks it apart to engage with its less obvious meanings was deemed possible through this method of inquiry. Furthermore, this instrument was used because it provided both structure and flexibility, necessary when the aim is to allow participants space to share freely yet remain true to the areas relevant to this study (Bernard, 2006).

3.2: Choosing a sample

The primary criteria were that participants had to self-identity as queer and have access to land or land-based resources. Queerness was determined by their sexual orientation and or gender identity which had to either be non-heterosexual or non-cisgender, one participant was both non-heterosexual and non-cisgender i.e., he was a pansexual trans[7]man. I also

[7] Short for transgender and used to denote gender identity that does not align with sex assigned at birth.

selected participants based on the nature of their land access and use (making sure to select a sample with a broad range in this respect) and the use of English as a medium of communication. I relied on my networks on social media such as Facebook, LinkedIn, Twitter, and Instagram—I shared a poster detailing my interest in queer research participants which was reshared widely—the call for participants poster can be found under appendix 3. I also relied on queer organisations such as the Forum for the Empowerment of Women (FEW), GALA, and Iranti-Org to spread the word to their networks and members. While I received a lot of positive feedback from these organisations, finding participants proved more difficult, requiring a more vigorous recruitment strategy entailing directly reaching out to potential recruits suggested by my various networks. This strategy proved more effective, and I was eventually able to recruit 20 potential participants.

Although 20 queer people initially expressed interest in participating in the study however five dropped out. Two of the five cited time constraints as the reason for not managing to commit, one was due to time constraints, electricity outages, and weather issues—failure to show up for the interview on the final rescheduled attempt was due to a rainstorm which damaged structures on her land. She was located in a small village 30 minutes from Durban, KZN. Additionally, two participants did not show up for the interviews nor give reasons why which left me with the final 15 participants who took part in this study.

Hence, purposive and snowball sampling were used to recruit participants for the sample. Etikan et al., (2016) describe purposive sampling as the intentional selection of a participant based on attributes they possess that are critical for understanding the subject on hand. They add that this technique relies on the researcher's judgment that the participants can positively and deeply illuminate the topic under study. They further note that factors such as availability, willingness to share their experience as experts on the topic, and the ability to articulate this knowledge well are all considerations the researcher must keep in mind when using this method. Patton (1990) also stresses that the aim of purposeful sampling, "is to select information-rich cases whose study will illuminate the questions under study." Thus, the reason for choosing queer people with access to land for various uses such as different models of farming, settlement, and others was in the knowledge that they would be able to provide information regarding how its ownership came about, the reasons for using it the way they did, and how they had experienced the process of acquiring it.

Additionally, Schutt states that snowball sampling "…is useful for hard-to-reach or hard-to-identify populations for which there is no sampling frame, but the members of which are somewhat interconnected…"(Schutt, 2018: 157). This explanation fits with my own sampling requirements in that while the participants were connected by their queerness, they were cast quite wide geographically. However, given the difficulty in recruiting participants, suggestions made by the participants came in handy in my recruitment efforts for instance Magpie suggested two participants one of whom ended up participating in the study (Andrew) while Sugar led me to Tonia and Jay. Hence, I was able to rely on snowball sampling to reach my intended target group.

Therefore, using these two techniques, I was able to recruit and select a diverse sample along the following categories: location, sexual orientation and gender expression, nature of land use, means of access, and nature of land authority for instance whether under traditional or state authority. This variety was to allow me access to a broad range of voices and insights into how land is accessed and used by a diverse queer sample. For instance, there were participants whose ownership was through own purchase while others had inherited their land, one participant (Tonia) accessed land for her beehives through a friend, while another (Agang) relied on an occupation in the Reclaim the City (RTC) movement agitating for accessible and safe housing in Cape Town. Additionally, one participant (Msizi) was a recipient of a government subsidised house (RDP), she also built backrooms on the property which she used to shelter homeless lesbian women. Hence, I used queerness and land as focal points of inquiry which allowed me to investigate the experiences of the participants from a wide angle.

Schutt cautions that "researchers using snowball sampling normally cannot be confident that their sample represents the total population of interest, so generalizations must be tentative." (p.158) Schutt's caution is not unwarranted, and I will endeavour to heed it. However, I should also mention that the relationships between the participants were not concentrated but spread out as their diverse geography demonstrates. Secondly, out of the final sample comprising of 15 participants, those recruited through the snowball technique were only three with the rest recruited via the purposive sampling technique. Additionally, the themes and conclusions drawn from the data are not intended to speak to the sum total of queer experiences with land and land-based resources in South Africa but are intended as a foundational exploration of the land debate from a queer perspective.

3.3: Sample Description

In terms of gender, majority of the participants were cis[8]women (9 out of 15). The rest of the sample comprised of three cismen, one transman, one transwoman, and a nonbinary[9] participant. Regarding Sexuality, five participants were lesbians, two identified as lesbian/queer, two were gay, and another two were pansexual. The sample also included one bisexual, one heterosexual, a participant who only used the term queer, and lastly, one participant described his sexuality as same sex attraction (SSA). The table below details the participant biographical information including pseudonym, age, gender, sexuality, as well as location.

Participant demographics

Pseudonym	Age	Gender	Sexuality	Location
Agang	51	Cisman	Gay	Western Cape
Andrew	45	Cisman	Gay	Northern Cape
Dumi	50	Transman	Pansexual	Gauteng
Eve	58	Ciswoman	Lesbian	Western Cape
Hope	23	Ciswoman	Bisexual	North West
Jay	53	Ciswoman	Lesbian/fluid	Western Cape
Magpie	40	Ciswoman	Queer (Lesbian)	Free State
Msizi	47	Ciswoman	Lesbian	Gauteng
Nobuhle	48	Ciswoman	Lesbian	Kwazulu-Natal
Nombi	44	Transwoman	Heterosexual	Western Cape
Sugar	49	Ciswoman	Lesbian	Gauteng
Thabo	40	Cisman	Same Sex Attraction	Gauteng
Thandiwe	34	Ciswoman	Pansexual	Kwazulu-Natal
Tonia	58	Ciswoman	Lesbian	Gauteng
Vandyn	57	Nonbinary	Queer	Kwazulu-Natal

In terms of education attainment, only one participant had not finished matric, the rest all had tertiary qualifications with four at post-graduate level. On the other hand, only three out of the 15 participants were formally employed while the majority were either self-employed, freelancing, or unemployed at the time of the interviews. Most participants were in the 40 to

[8] Short for cisgender and used to denote gender identity that aligns with sex assigned at birth.
[9] Does not conform to the binary gender model.

58 age range. Only two were under this range, a 23-year-old, and a 34-year-old at the time of interviews.

Additionally, five participants described their locality as urban, five as peri-urban, and another five as rural. Four out of the five participants in rural areas accessed land under traditional authority while one was a hybrid tenure system involving both state authority and traditional authority. Majority of the participants were black (9), five were coloured, and one was white. Classification in this category was quite complex given South Africa's history and this complexity was evident in the participants' own challenges with articulating this identity, this was particularly the case for those who formally fall under the coloured and white race group. Some participants felt the need to add an annotation to their ethnicity/race, for instance, Vandyn said that they were African and human before anything else while Sugar said that "I guess am coloured since that's what they put on my birth certificate" which revealed a disparity between formal categorisation and race identity, a subject outside the scope of this study.

3.4: Collecting data virtually

As has been mentioned already, semi-structured in-depth interviews were used to collect data. All interviews were done virtually. All participants were cooperative and answered all my questions in great detail. They were also enthusiastic about the nature of my research and happy to be contributing towards this under-researched subject. All interviews began by first explaining the purpose of the research, seeking consent to proceed as well as to record then asking participants to choose a pseudonym for themselves. Interviewees would then be asked to state their preferred pronoun followed by demographic questions such as gender identity and sexual orientation, age, or age range (all choose to share the actual age), ethnicity/race, location, employment status, and highest academic qualification before delving into questions on land, the main interview guide can be found under appendix 2.

Most interviews were video calls which allowed for a less impersonal conversation while a few were audio. Where follow-up questions were asked, this was done via WhatsApp text and email with participants either responding with text or voice notes. Follow up questions would be specific to the participant's unique circumstances and did not follow the interview

schedule but were related to the study. Using text and voice notes made asynchronous data collection possible which eased the process of getting responses to follow-up questions. The need to use virtual interviews to conduct the interviews was created by the covid-19 pandemic and the safety measures thereof. This platform was also useful in terms of reaching participants in diverse locations across the country in order to give breadth to the study.

Given the general shift to online platforms necessitated by the pandemic, all participants were well versed in the platform of choice they selected which made conducting interviews seamless. A lot of flexibility was allowed regarding platform choice given my aim to open the study up to a diverse group of people. Hence, I often had a conversation via email or text beforehand where participants would be given options. I found Zoom to be the most reliable platform in terms of the quality of the connection and the recording options.

Although most participants (including the ones in rural areas) did not experience debilitating problems with internet connectivity, some few did. In such cases, I had to devise ways to accommodate them by switching to a more amenable platform, rescheduling or both. For instance, a participant who lived in the village of Hluhluwe, Kwazulu-Natal had such poor connectivity that the interview was moved multiple times across four platforms. In her case, even the phone network was poor both largely caused by constant electricity outages, but we eventually made it work and conducted a successful interview.

In instances where the interview was conducted via phone call or WhatsApp, I would use my phone for the interview and use the recorder on my computer for recording, this worked out quite well. The one interview I conducted on Microsoft Teams was the most problematic whereby I could not record through the platform directly. My solution was to use my computer recorder however on playing back the interview, I found that it was completely scrambled. Fortunately, I had taken well detailed notes during and after the interview which I then relied on for analysis.

There were two participants with whom I had to reschedule several times before we were able to meet, in one instance, it was because she was in a rural area and her connection was very poor while in another, the participant's schedule kept getting in the way, but my patience eventually paid off and I was able to interview her. In fact, there were several times I had to wait for participants for close to an hour after our scheduled time. Mostly, these delays were

due to circumstances out of their control although once it was because a participant had double booked themselves.

All in all, I believe the data I collected through these virtual interviews were rich and informative especially since I could not rely on other data collection techniques such as observation or photographic data to augment the interviews. Still, interviews were further supplemented with other sources of data to enhance my analysis such as government policy documents and acts, NGO reports, and secondary data from newspapers and other literature. I was therefore able to answer my research question with the data collected.

3.5: Data analysis using grounded theory

Merriam & Tisdell (2016:202) describe data analysis as, "the process of making sense out of the data." The data analysed in this study consisted of interview transcripts, audio recordings, jottings, "fieldnotes", and other notes on codes and my thoughts written throughout the data collection process. Merriam & Tisdell further emphasize that "data analysis is the most difficult part of the entire process", this was indeed true for me as well. Trying to make sense of the large volume of data gathered in the limited time available was an intimidating task however, I would like to believe that I rose up to the challenge.

Given that no scholarship of queer people and land has been undertaken in South Africa, I relied on grounded theory as a strategy with which to understand the data collected—a strategy that uses the data collected as the basis for theory formation seemed the only viable option for my analysis. According to Charmaz, "grounded theory methods consist of systematic, yet flexible guidelines for collecting and analyzing qualitative data to construct theories 'grounded' in the data themselves." (2006: 2) I used this method because of its heavy reliance on textual data to create theories. As Charmaz adds, "…data form the foundation of our theory and our analysis of these data generates the concepts we construct." (p.2)

Charmaz further argues that coding of data through separation, sorting, and synthesis from the beginning of data collection is an important aspect of grounded theory. (p.3) This process requires labelling the parts of the text by subject (codes) which is intended to guide the researcher to areas of further investigation. These codes were then used to compare the experiences of the participants throughout the data gathering process. According to Charmaz,

this process improves the researchers "analytic grasp of the data." (p.3) My early codes were in vivo codes which Elliott (2018:2856) argues are the most appropriate when the goal is to focus on the participants' lived reality. These were followed by axial codes whose purpose it is to link and organise related categories in order to create a more "coherent whole" for conceptualisation (Bernard, 2006; Charmaz, 2006: 60; Merriam & Tisdell, 2015).

The coding process was accompanied by notes both about the codes as well as my thoughts on what the data was revealing to me. In grounded theory, such notes are called memos (Charmaz, 2006: 3). These aid a researcher in the process of category formation. Charmaz states that at this point, the researcher would seek out more information to answer any visible gaps or questions. In my case, these gaps were filled with follow up questions to my participants to add to, clarify, or expand on key aspects of their stories. However, there were a few times when participants were not responsive to follow up questions in which cases I either dropped that line of inquiry or simply made use of the data on hand.

3.6: Ethical considerations

First and foremost, ethics clearance was obtained from the School of Social Sciences' ethics committee in September 2021 before any data gathering or participant recruitment took place. Throughout this study, I was guided by the four principles of ethical research put forward by Wassenaar i.e., "respect for persons, beneficence, non-maleficence, and justice" (2006: 67). Respect was shown to participants by seeking and receiving their consent before all interviews which was preceded by clear explanation of my intentions so that they were in a position to give informed consent. The participant information sheet which was distributed prior to interviews and a consent form can be found under appendix 1.1 and 1.2. In instances where participants were not able to sign the consent forms because they were not able to electronically sign the form sent or had no means of receiving the form because they did not have a smart device, consent was sought and given verbally at the beginning of the interview.

Secondly, I made sure to the best of my abilities, that participation in this study did not harm the participants in any way, for instance, I kept information divulged to me confidential and I will continue to do so going forward and I have used pseudonyms throughout this report in order to protect the identity of the participants. Additionally, while the interviews required

the divulgence of private information, and since anonymity could not be guaranteed given the use of the interview method, I have no reason to believe that the information received caused any emotional stress or triggered any past hurts. Hence, I believe the request for a low risk level ethics clearance was vindicated.

Thirdly, this study benefits the participants because it brings into the public domain unique queer experiences around land that have not been explored academically in the South African context, to my knowledge. From the participants' enthusiasm and willingness to co-operate, I believe that they too found great value in the study.

Lastly, I endeavoured to be just in my sampling process, as Wassenaar states, just "selection of participants should not be based on convenience" (2006: 68). While Covid-19 restrictions presented some challenges, I made sure to provide participants with a wide range of communication channels so as not to inhibit their participation. For instance, the use of phone calls to interview participants who could not access data enabled those with data challenges or without smart phones to participate. The sample I selected is also the most likely to benefit from any positive outcomes of this study hence they are not being used for the benefit of others.

3.7: Researcher reflexivity

As a lesbian woman who is aware of the marginalization experienced by queer people, the issue of access to resources and inclusion is close to my heart. This positionality has undeniably shaped my own data processing and influenced how I interpreted my findings. This insider status however also granted access into the world of my participants as one of them. While such access helped me to gather the data that I needed to answer my research question, I am also well aware that this positionality would have also inspired biases and assumptions on my part.

Schutt writes that "Qualitative researchers recognize that their perspective on social phenomena will reflect in part their own background and current situation. Who the researcher is and "where he or she is coming from" can affect what the research "finds.""(Schutt, 2018: 648). Hence, since my interest in queer access to land is informed by my own positionality as a queer woman, it would be disingenuous of me to suggest that this

positionality does not shape my interest in queer inclusion in the land debate, my understanding of the issues raised, as well as my analysis of the data. In this regard, I do not share the view "that "truth" can transcend opinion and personal bias…" (Denzin & Lincoln, 2018: 40) on which positivist sciences such as physics, psychology, or chemistry is founded. I believe that truth is contextual and that no field of inquiry can overcome the impact of their own lived reality on what they choose to study and how they study it.

That being said, I am also invested in the production of reliable knowledge on this population particularly because of my positionality and subjectivity. Thus, part of my solution to this "rational" conundrum was to keep a research journal to reflect on my experiences throughout the data gathering and data analysis phases. I would regularly write out my thought processes in order to reflect on them. I also wrote about any assumptions I had going into an interview which I would read after to inform my analysis. Some of the questions I reflected on before and after an interview were: what assumptions am I making about the experiences of the participants? what themes do I expect to find or not find? and what new and unexpected information did the interview provide? I would then engage with the data with these questions in mind and challenge myself to let it speak for itself.

The next chapter thematically presents the findings and analysis derived from this study.

Chapter 4: Findings and Analysis

This chapter presents and analyses the findings of this study in answer to the question posed: What do queer experiences with land tell us about South Africa's post-1994 land reform programme? This is done in three interrelated sections. The first section discusses the ways in which the participants construct meaning around land in order to position them in South Africa's land discourse. The second section deconstructs the intersections between queerness, land administration, and governance in order to tease out the particularities of the participants experiences as they navigate these spaces. The last section analyses the intersections between queerness and land use in order to understand how identity frames this aspect of the participants' experiences.

4.1: Constructing the meaning of land: positioning queerness in the land discourse

None has so eloquently captured the contradictions inherent in the narrative on land as Cherryl Walker. In *Landmarked: Land Claims and Land Restitution in South Africa* (2010) Walker articulates the contradiction between the story of collective loss and dispossession that was crafted during the anti-apartheid struggle to galvanise support and the broad, diverse, and often unrelated individual experiences. She uses this line of inquiry to illustrate the practical difficulties of translating this overarching narrative into pragmatic and implementable policy used to assess land restitution claims. Nonetheless, the master narrative frames a national discourse on land that threads together these multiple realities in order to create a coherent whole thereby serving to engender collective ownership of South Africa's liberation struggle and post-apartheid identity.

4.1.1: Chasing a rural idyll

Magpie's (early 40s, ciswoman, lesbian/queer) experience with land mirrors some of the contradictions Walker exposes. For her, land existed at the confluence of desire, fantasy, and loss. It represented an opportunity to fulfil her childhood (Hollywood inspired) dream of owning a cabin in the woods complete with a helipad as she said, "I've always wanted to have my own cabin, in the woods, in a forest or whatever, like a very romanticized idea enough space to have a helicopter pad." This childhood fantasy morphed into a more pragmatic adult need for solitude to write, create, and invite other creatives to experience the beauty and

splendour of her home village in Qwa Qwa. Having grown up outside her tradition because her parents raised her for a life in exile and thus emphasized a grasp of the English language rather than her own mother tongue, owning land in rural Qwa Qwa also represented an opportunity to nurture a relationship with and rediscover her lost cultural heritage. She saw it as a chance to live amongst the people and recreate a pre-colonial utopia based on a "romantic rural dream". Furthermore, owning land presented a chance to nurture her spirituality outside her parents' influences as she was raised to be suspicious of traditional African spirituality. As she said, the land made it possible to create a "spiritual space for myself in trying to understand what spirituality meant for me."

Magpie's relationship with the land thus existed in a realm between fantasy and reality. A relationship not unlike the broader narrative in which land has come to represent a pre-colonial past where Africans roamed freely and peacefully. This relationship is similar to that of some of the restitution claimants, for whom, as Walker notes "the restoration they have sought through land has been driven by a yearning for something associated with but no longer embedded in the physical place…"(Walker, 2010: 585)

Magpie's idyllic motivations also echoes that of the 1970s lesbian land movement which created separatist communities in Southern Oregon, USA as discussed in sub-section 2.2.3 (p.16) above. Sandilands (2002) notes that the lesbians imagined the rural space as virgin land, unspoilt by the excesses of patriarchy and capitalism. In these spaces, they could begin to form a new lesbian culture of land. In the same way, Magpie spoke about not wanting to fence off her land as she found city fences claustrophobic. She wanted, just like the separatists, a utopia away from the city. She said that "one of the things that I was clear about was that I didn't want to fence the property, the parameter of the land, because the cattle used to graze there. And I was like they got there first, and I want to have that space that feels so pastoral and serene."

The imagery Magpie projected onto the land later proved impossible to achieve because it was in most ways out of touch with reality as it did not factor in the limitations that would be imposed by her environment such as crime and vandalism. For her, the city was bad and the rural good, yet both exist within post-apartheid South Africa with its high levels inequality, poverty, and crime (Motlanthe, 2017).

While Walker's master narrative effectively positions Magpie in the South African discourse, the link between Magpie and the lesbian separatists is perhaps characteristic of her queerness. Indicating that Magpie too was subconsciously attempting to escape the confines of the city's heteropatriarchy; that even if her desire was not as well articulated as that of the separatists, she yearned for the same thing that they did. As already argued in sub-section 2.2.3 (p.17), there are parallels to be drawn between the rural and urban that impose a gendered quality to the space. However, while the rural is feminised, its patriarchal guardians make the utopia unattainable there as well as will be demonstrated in sub-section 4.2.1 (p.48) below.

Furthermore, in the same way that the master narrative disintegrates at the individual level, in Magpie's case, dispossession does not present as forced removals but rather as a cultural loss whose significance is unquantifiable and whose effect is permanent. Even when Magpie does get the land, she is an outsider in the space; seen as both an eccentric Johannesburger with a bad command of Sesotho and a lesbian whose sexuality alienates her from the experiences of those she seeks to connect with. Her queerness and gender coupled with the idiosyncrasies of the traditional tenure system present challenges as will be further explored in section two of this chapter.

4.1.2: The legacy of the group areas act

Dumi (early 50s, transman, pansexual) and Sugar (late 40s, ciswoman, lesbian) were both directly affected by the group areas act. Their perspective is therefore less idyllic and more grounded in the tangible realities of shelter, safety, and stability. For them, healing childhood traumas caused by the homelessness they experienced as a result of forced removals under this act and restoring the dignity they lost, is core to their relationship with land.

While most of South Africa's forced removals had largely affected black Africans in the reserves, this act targeted cities and towns and thus affected Coloured and Indian people the most (Baldwin, 1975; Higgs, 1971) as blacks had already been relegated to outlying areas. Higgs states that this act was one of the "four pillars of apartheid, along with the Prohibition of Mixed Marriages Act, the Immorality Amendment Act, and the Population Registration Act." (p.1) This is because in this act, the concept of separate development was solidified.

Sugar narrated this trauma-inducing historical basis of her present relationship with land as follows

> *I grew up homeless. So, we were forcibly removed in terms of what was the group areas act... And so, they kind of moved people, you know, in the middle of the night. And so, you know, we had nowhere to go, we were homeless for the first five years of my life. We lived in my mother's oldest sister's garage for parts of the time. And for the other part of the time, we kind of lived in my grandmother's passage in her little house… she was living in this little house with her new partner. My mom, my dad, my four brothers, myself, and my cousin... So, we were this huge family and when I was five and a bit just before I was six years old, we were put into social housing.*
>
> *So that was really my first experience of living in a home, you know, like a place where you had a chest of drawers and your own bed and you know, you were not in people's space when they wanted to go use the toilet in the middle of the night. So, for me, having a home has always been something incredibly important. And so, I always planned, you know, for as soon as I could own a home, I would. Having a home for me has been, I don't know, for me it was more important than having an education to be honest.*

The account above demonstrates that the trauma she experienced during this period of homelessness is still very fresh in her mind. Remembering forced removals "in the middle of the night", having nowhere to go, and conceptualising of home as a place where one has a chest of drawers and a bed of their own reveals how this experience shaped her present desire for a home of her own and resonates with why the language around land has been viscerally utilized in popular imagination to rouse the masses (Kepe & Hall, 2018; Walker, 2010).

Sugar went from five years of extreme vulnerability to finally having the type of stability and safety a home provides. Her narrative suggests that she is in a sense still operating from that vulnerability and the sense of fear that it could return. Sugar also mentioned that homelessness "meant that I was constantly exposed to this male gaze of this female body and my first memories of being touched in a way that wasn't appropriate is from, you know, those days of being homeless." While Walker (2010: 588) states that the language of dispossession such as "forced removals, dumping grounds, toilets in the veld…" created a kind of "motif" that infused the political narrative, this language says nothing about the trauma of being

touched inappropriately while sharing a bed with a male relative and its lasting impact on the psyche.

Gqola (2015) asserts that even during the Truth and Reconciliation Commission, stories that did not fit the broader narrative of apartheid dispossession and particularly stories of the violence faced by women at the hands of comrades and those closest to them were not given much attention. Survivors had to weigh the need for individual healing against that of nation building and that women's bodies were the sacrifice with which national cohesion would be achieved (p.70). The need to silence such a departure from the official narrative was politically motivated because it did not fit into the notion of a homogenous black dispossession. In fact, these kinds of details are generally missing in scholarship on land reform as well. Could this be because as Walker has argued, "in South Africa, the implicit subject of racial redress is male unless otherwise specified"? (2009: 482) yet sexual violence tends to be linked to female subjects.

Similarly, Armstrong argues that while rape and gender-based violence in apartheid South Africa were ubiquitous, the need to mobilise around these issues was not considered critical since they would take the focus away from the fight against racism. Hence, they were relegated to the margins since such focus "at best could divert attention from the struggle against racism, and at worst could divide black South Africans against themselves." (1994: 35). This marginalisation of a phenomenon that tends to predominately affect women and queer people which is a core aspect of the ways in which patriarchal power is exerted (Gqola, 2015) to limit access to land and land-based resources as discussed in sub-section 2.2.3 (p.18) above. Validating Walker's argument that the implicit subject of apartheid redress is male.

Higgs states that one of the consequences of the group areas act was to impoverish Indian and coloured people. While they were compensated for their expropriated property, this compensation was too low to provide adequate housing in the areas they had been relocated to (Higgs, 1971: 14). The loss of property in Dumi's family initiated a prolonged period of impoverishment whose impact shaped his own relationship with land. Dumi remembers the impact of this poverty and homeless and its resultant vulnerability and disruption, vividly. Only beginning the process of self-restoration after owning property and being in control of his environment

…as somebody who grew up without property, I mean, my grandparents owned property but under apartheid it was taken away. So, the last ownership of property in my family was under the group areas act, land dispossession by the apartheid state. So, I was basically the next generation of persons to have bought property. I think just as somebody who grew up in, you know, in various kinds of living conditions, extremely poor and you know, at times homeless with my grandmother who raised us, I think the benefits of buying property is about stability and about calling something a home.

So, when I bought my first home, and having stayed there for 17 years, was the first time I'd ever lived anywhere for long periods. I mean, as a child…I…we moved around annually [laughs], you know, more than once in a year. So, it was a very disruptive thing that I didn't know how disruptive it was until I realized that when I lived somewhere for a long period, just how impactful it is to, to be so vulnerable.

And so, property was self-restorative. It provided confidence, space to bring family together, an opportunity to locate himself and his personal progress in the temporal realm.

So, I think it definitely did a lot of self-restoration and, you know, the confidence of being responsible to own property umm to host your own family [laughs], you know, in your own home. And to, and to gradually see the progression of how life is improving for one from where, you know, when you look back to where you've come from, to where you are going. I think there's been a lot of benefits. So, I think one's trauma mind, almost you realize there's been a scope of healing, you know, in that way, which has been really great.

The language Dumi used brings home the impact of apartheid policy at the individual level. His narrative also demonstrates that the impact of the past is overwhelmingly alive in his relationship with land. That it incurred a lasting trauma symbolised by the fear of homelessness and the upheaval it represents, and that the trauma is still present and operational.

In principle, Dumi's experience mirrors that of many other South Africans who were victims of apartheid forced removals. The language he used is also reminiscent of the language used in the master narrative for instance when he says that "…my grandparents owned property but under apartheid it was taken away…" In this narrative, property/land becomes the symbol of dispossession and returning it through restitution, the logical course of action. In reality however, it is hard to place Dumi in the post-apartheid land reform programme as a

transman. Does he fit into Walker's frame of the "the implicit subject of racial redress" (2009: 482) discussed above as a man or would he fall under the marginalized categories for which the Department of Women, Youth, and Disabled Persons encompasses?

Gaard (1997) argues that one of the areas of colonial domination was in the erasure of gender diverse people in the creation of compulsory heterosexuality premised on two binary genders. That the presence of trans, gender diverse, and gender non-conforming people was seen as an affront to the Christian sensibilities of the coloniser and used as rationale for colonialism as a means of civilising these animalistic natives (p.123). In South Africa, this elimination of sexual and gender diversity was achieved through criminalisation of these identities (Strand and Smit, 2020: 10) and the codification of the binary in ways that are still relied upon today, for instance, the inclusion of a gender marker on the national identity document even when the constitution protects against discrimination on the basis of gender. The constraints imposed by this binary will be expanded on in section two of this chapter.

Such effective colonial erasure manifests itself in the contemporary idea that queer people are un-African and their existence stains African culture. In fact, Nyeck et al., (2019) argue that it took strategic campaigning, lobbying, and linking of struggles against oppression by queer activists, in both national and international arenas, to have the Sexual Offenses Act no. 23 of 1957 which criminalized sex between men amongst other offenses repealed. This, even as the country was exiting decades of apartheid discrimination and marginalization. The fact that this inclusion and decriminalization of homosexuality was not a given during a period of transition to a more just society shows that queer discrimination was not particularly concerning to the general population. The above further reveals that a queer marginalization existed within a broader apartheid oppression, and as the next section will argue, this marginalization continues. Yet, such nuance is generally lacking in land scholarship as well as land reform policy.

Moreover, the focus on race and the construction of a homogenous oppression tends to gloss over the fact that apartheid affected individuals and groups differently. In fact, the nature of redress used also fits into a particular narrative. As Gqola (2015) asserts, not all stories were equally valuable or equally heard. Which leads to several unanswered questions what kind of redress would have been proposed had the implicit subject of redress not be a cisgender heterosexual man? Is there room to deconstruct and effectively deal with the psychological

impact of this dispossession in the restitution programme? To what degree has the focus on the material obscured the more insidious social ills such as GBV and queerphobia? Who stands to benefit or lose from this obscurity?

4.1.3: Aspirant queer commercial farmers

The above narratives contrast sharply from Hope (early 20s, ciswoman, bisexual), the youngest of the participants. Hope inherited a piece of land from her paternal grandmother in a village in the North West province and intended to farm commercially on it. Her relationship with land was not anchored in the past in the same way that the rest of the participants were. Her need was more present i.e., using land as an income generating asset. Hope is part of the born-free generation, born after 1994, this cohort was spared the vulgarities of apartheid (Statistics South Africa, 2018). Due to her age, gender, and race, Hope was aware that she is a target for government funding which was her reason to get into commercial farming. She said her father was also encouraging of her for similar reasons

> *So, he [father] is just like you do everything [run the project] plus if I had to go through the government for funding and everything, obviously they look at the youth. So, he is just like since it is your idea, I think you should take it head on, I'll be there to just support but I advise that you do everything. So, he just feels that it is better if I approach them [Department of Agriculture, Land Reform and Rural Development (DALRRD)] because of age, because of my sex and everything like that.*

The idea of prioritising the youth and especially those who also happen to be black, and female is evident in government policy documents. For instance, the minister of Agriculture, Land Reform, and Rural Development reiterated this prioritisation in her 2021/22 budget vote address to parliament (Didiza, 2021) saying that "fifty per cent of the land allocation will go to women, forty per cent to youth and six per cent to people with disabilities." However, these targets had not been met as of the 436 563 ha allocated only "14 251 hectares comprising of 18 farms were allocated to 131 youth" between 2020 and 2021.

Secondly, the section on rural development of the South Africa Yearbook 2015/16 mentions that women and the youth were "targeted for land allocation and to receive strategic support."(Government Communications (GCIS), 2015: 357). However, Kepe and Hall (2016: 38) note that there is "no evidence of a differentiated strategy to seek them [priority groups]

out and then give them priority." Similarly, although Hope had not applied for any funding from government yet, she intended to do so in the future, but it seemed that the onus was on her to approach the DALRRD for any assistance. In the interim, Hope had started by using funds from an internship to run a broiler chicken farm. The internship had since ended which had dried up her funds. Hence, she had to temporarily halt the project when winter arrived because she lacked the infrastructure to keep the chickens alive during the cold months. Initially, her target market were grandmothers in the village, but she soon realized that this demographic lacked the funds to buy her chickens. Although she intended to continue supplying them, she was hoping to break into the local supply chains as well.

Regardless of the state prioritisation, it is also unclear the nature of support available for Hope as an aspiring commercial farmer with neither farming nor business experience since government seems to either target subsistence farmers at a very small scale or well established commercial farmers at both medium-scale with plans to expand or large-scale and well established (Kepe and Hall, 2016: 26). Furthermore, the fact that funding is contingent on competitiveness which Cochet & Anseeuw argue is code for profitability means that one must fit into the pre-existing favoured model of commercial farming which is similar to that inherited from the apartheid regime (p.289). It is thus likely that profitability would also entail giving up her dreams of supplying poorer consumers in the village.

Hence, the limitations of the apartheid era model in contemporary South Africa have been pointed out by scholars who argue that while the apartheid government strategically, financially, and through regulation supported the commercial farming sector, this is not the case under the de-regulated neoliberal model (Bernstein, 2013; Kariuki, 2018). Which has in fact led to a decrease in the number of farms as well as an increase in their size. It is also leading to mechanisation and other labour-saving strategies to save costs, monopolisation, environmentally harmful farming methods and less job creation in the traditionally labour-intensive agricultural sector which have all contributed to an increase in rural poverty (Kariuki, 2018: 224).

Thus, while in theory Hope's age and gender opens up a world of opportunities, it is not clear how these opportunities might be accessed or utilized to practice the type of commercial farming that allows her to improve rural livelihoods as is her wish. Secondly, her queerness, and the fact that the land she inherited is located in a rural area governed by traditional

authority presents constraints to tenure security and safety which undermine her capacity to truly take advantage of any opportunities as will be discussed in sub-section 4.2.1 (p.48) below. It is thus unclear whether the challenges presented by Hope's identity will allow her to practice her preferred brand of farming and where such challenges feature in government's land reform programme.

This section sought to locate the participants in South Africa's past and present in order to illustrate that the ways in which they make meanings about land are contextual and embedded in South African reality of the time. While this section has theoretically located queer South Africans and their relationship with land in the country's past and present, the proceeding chapters will show that for them, exclusion and discrimination did not necessarily end with apartheid. This reality continues to inform the ways in which their experiences with land access and use intersect with their queer identities today.

4.2: Deconstructing the intersections between queerness, land administration and governance

This section looks at the experiences of the participants as they navigate institutions administering and governing land and land-based resources. It discusses the tenure challenges experienced under traditional authority, and the ways in which the cis-heteronormativity (the privileging of normative expressions of gender and sexuality) inherent in financial institutions and government criteria undermine their agency as queer subjects. The section builds on the previous section to argue that while the experiences of the participants have been fundamentally shaped by South Africa's apartheid past and present, their identities present unique challenges as they attempt to access and use land and land-based resources.

Chapter 2(25)(5) of the Constitution mandates the state to create an enabling environment for equitable land access. Yet, as the narratives of the participants will demonstrate, institutional biases and assumptions create conditions in which queer access to land and land-based resources is constrained. Additionally, the direction taken by government with regards to the tenure aspect of land reform have been contrary to its mandate as stated above. For instance, the strengthening of traditional authority with the TKLA as discussed under 2.3 (p.24) above yet this institution has shown hostility towards queer people by continuously

rejecting their right to exist (De Waal, 2012; Ntlama, 2014) demonstrates a failure to take queer rights to equitable access to land seriously.

4.2.1: Making it past the gatekeepers

In line with the arguments made stating that residents of former homelands exist in a constitutional limbo (Land & Accountability Research Centre, 2018), some of the experiences of the participants demonstrated this constitutional dualism. Those in rural areas whose land was under traditional authority tended to experience more process uncertainty, tenure insecurity, gender discrimination, and gender binarism[10] than those under state authority. However, the queer identity of the participants amplifies these experiences by uncovering the normative biases and assumptions which have not been given any attention to in both scholarship and government policy.

For instance, Hope regarded the social norms and traditions dictating appropriate gender expression when presenting before the king gender binarist because accommodation was only made for conventional sex aligned gender expression and identity. She further alluded to this embedded discrimination permeating all manner of interactions in the village

> *I was told that if I want to go and address the King, I have to wear a dress. So, they don't care whether you're bisexual or lesbian or trans or whatever, they just tell you If you want to see the king you have to wear a dress so automatically one can see that clearly, the structure only supports male or female, nothing in between basically.*

Magpie corroborated this sentiment as follows

> *And it's like those annoying things [inaudible] your hair must be covered; your shoulders must be covered. You must be humble and meek and "hey, and there is no husband?" and all of those things*

The policing of gender expression described above demonstrates an intolerance for individuals whose gender identity and/or expression contrasts the normative understanding. It also suggests that those individuals who do not confirm to this normativity are alienated and marginalized. Hope also mentioned that recognition and assistance from the king

[10] Privileging a binary concept of sex and gender and thus hostile to trans, gender diverse, and gender nonconforming individuals

required a level of engagement with him. Such a relationship would be the prerequisite for acquiring tenure security and other assistance should one need it. The emphasis on binary presentation therefore is not a benign requirement but has implications for access to land and land-based resources. In other words, opportunities for forming this critical relationship with the king are undermined by how effectively one is able to fit into the acceptable gender prescriptions.

Magpie echoed Hope's accusations of the binarism inherent in interactions with the traditional authority. She also experienced the patriarchal structures which one approaches to negotiate a land transaction as hostile, intimidating, and heterosexist when she went to address the chief

> *And there I found the chief and his henchmen and what felt like, like these big, traditional men. And they asked me first where my husband was. And I was like, there's no husband…*
>
> *…it's a very hostile environment to walk in there with six men looking at you up and down and asking you to explain yourself over and over and over again…*

In the above narrative, the six men holding court over land matters can be viewed as patriarchal gatekeepers whose intimidation tactics form part of an overarching resource paradigm. This paradigm uses traditions, customs, gender binarism, and heterosexism to include and exclude on the basis of normative conceptions of gender and sexuality by appointing male members of the community as guardians of resources and inadvertently rendering those who do not fit into these narrowly defined prescriptions, alien.

Moreover, Hope and Magpie's narratives align with those Ngubane (Kedibone Juda-Chembe, 2018) has witnessed in her work in the Ingonyama Trust lands under which women are subjected to sexist abuse by men. Moreover, she noted that this sexism was also exhibited by young boys in their attitudes towards young girls, suggesting that sexist socialisation begins early. Such sexist attitudes were then used to bully some of the women off traditional councils explaining why the quotas stipulated under the Traditional Leadership and Governance Framework Amendment Act 23 of 2009[11] and TKLA to increase the number of women on traditional councils had not been met (Land & Accountability Research Centre, 2018: 2). Sylvia

[11] See, Republic of South Africa. (2010). *Traditional Leadership and Governance Framework Amendment Act 23 of 2009*. Government Gazette. https://www.gov.za/sites/default/files/gcis_document/201911/4286728-11ac

Tamale (2004) has argued that it is such privileging of male attributes as noted by Ngubane that creates obstacles for women's participation in politics and the economy and thus undermines their empowerment and self-sufficiency. However, what is evident in Hope and Magpie's narrative is that the problem goes deeper than the surface sexism that conventional gender analysis allows.

The binarism they point out is used to reinforce and perpetuate gender differences which differences are then used as the basis for access to resources as well as to alienate all who fail to live up to prescribed gender differences including trans persons and men who do not perform appropriate levels of masculinity (Cornwall et al., 2008). For instance, Rangan & Gilmartin's (2002) study of a land conflict in Buffelsprout, Mpumalanga found that men who had the ear of the chief got prime land for grazing their cattle while the women were pushed to the margins of the community on less ideal land. In order to understand the root of the sexism therefore, it is necessary to introduce a queer perspective to the problem as this argument has demonstrated.

In 2012, for instance, the National House of Traditional Leaders (NHTL) proposed that parliament should review chapter 2 of the constitution to exclude protection on the basis of sexual orientation from the Bill of Rights. While nothing came of it, Patekile Holomisa, who was the chairman of the of the Constitutional Review Committee at the time and remains the president of the Congress of Traditional Leaders of South Africa (CONTRALESA) alluded to strong arming from the ANC when voting for same-sex marriage to be legalised but argued that "the great majority" was not in favour of it (De Waal, 2012). Pierre De Vos, a constitutional law expert argued that there was a schism between the progressive ambitions of the ANC and its CONTRALESA counterparts (De Waal, 2012).

This heteronormativity and cisnormativity (The privileging of gender identity that matches the sex assigned at birth) supports the reasons given by trans, gender diverse, and gender non-confirming people for leaving rural areas for the cities in a documentary commissioned by GALA. The subjects of the documentary were mainly homeless trans sex workers living under Cape Town's bridges and open fields (Collison, 2020a, 2020b). Many had left their rural towns and villages to escape transphobic demands for gender conformity. Furthermore, the experiences narrated by Magpie and Hope and the arguments made above demonstrate a

contradiction between the constitutional mandate to foster equitable access to land and a reality that contrasts it.

4.2.2: Navigating cisnormativity and heteronormativity

In contrast, participants who had acquired land under the formal state authority described those experiences as non-discriminatory and hassle free. Thabo (early 40s, cisman, SSA) who shared a joint bond with his partner thought that people, including the staff he encountered both at the bank and the municipality during the process of application, acquisition and account transfer were "more clued up now in terms of how to deal with queer people buying things together." His experience demonstrates that the individuals in these bureaucracies are more cognizant and respectful of his rights as a man in a same-sex relationship.

However, while participants generally found dealing with the state bureaucracy less cumbersome, it was not without complications. For instance, Dumi who is a transgender man encountered cisnormativity and transphobia from the bank when he needed to transfer land bought with his dead name and gender[12] into his affirmed name as narrated below.

> *…So, when I bought property, I was assigned female on my documents... But I needed the property to be transferred into my new name and gender. And it did happen, but it was quite complicated. And I think people, nobody really tells us these things. So, I needed to find for example, the very initial… so, when one does a legal name change, or gender change, the government gazettes it and so it's in the government Gazette, and anybody who objects or whatever, can then go and object [laughs]. So, when the attorney needed to do the title deed in my new information, I needed to find the gazetted document. A nightmare. So, I think thankfully, I don't know how I think she [the attorney] did manage to find it, but I couldn't. So that was a whole prolonged process. And then of course, government gives you umm letters once you've changed your gender marker and your name legally, you get the letters from Home Affairs. And so those also have to be attached to the documents.*

He added that,

> *So, I think it's, it is complicated because, you know, it is like every time you have to engage with the system legally, you have to find these Home Affairs letters to confirm who you are.*

[12] Dead name and gender are the name given and gender assigned to a transgender person based on sex assigned at birth. This reference comes into effect when a transgender person choses a name that affirms their gender identity.

And you open yourself up to being out when you don't necessarily choose to or want to disclose whether you're trans, you know, and so on. I mean, most of the time, I just don't, I'm so tired of disclosing it, I don't want to so but when it comes to legal work, it's like my paperwork, it was quite a process and then even before the title deed changing, writing off the account at the bank, I remember calling them and then them saying they still had my dead name and my dead gender on the documents and then being told "I'm a fraud", you know, when I called because I'm not the person who is on the documents, this person is female, blah, blah, blah.

And so even though my bank statement showed my new name, and everything, the back end of the bond department [of the bank] had all my old details that were never updated and so I had to deal with all of this administrative stuff over again. Literally it was only when I tweeted Nedbank for being transphobic that they called me and sorted it out like within 24 hours. And then I managed to get the new title deed as well. So that was fine. But it was kind of that those administrative problems when you change your gender marker, you change your name and where the papers don't totally align [laughs].

Dumi's experience with the bank highlights a flaw in the bank's record keeping mechanisms. It demonstrates that the bank in practice relies on a static gender binary model which is not well equipped to accommodate trans or gender diverse individuals. This, while Nedbank's Human rights statement declares that "we give particular attention to identifying client vulnerabilities and specific needs so that we can tailor our banking products and services in a manner that is sensitive and accommodating."(Nedbank Group, 2021) It can be argued, based on Dumi's experience, that the application of this well intended policy has limitations.

In fact, Dumi's experience is not unique in this case as other trans and gender diverse individuals have reported experiencing discrimination at the hands of other banks when their gender expression differs from the sex they were assigned at birth (Strand and Smit, 2020: 33). Such discrimination results from the reliance on a binary model in official recognition of gender, for example, identity documents denote male or female markers thus automatically prescribing the binary and laying the ground for the discrimination.

Moreover, both gender and race were hardcoded onto the identity document during apartheid. Under the Population Registration Act 30 of 1950, race categories were stipulated and included in the identity number which were then used to group individuals in a hierarchy with the aim of advantaging whites and disadvantaging non-whites. Although gender

categorisation serves similar purposes of advantaging men and disadvantaging women, trans, and gender diverse people as was argued above, its institutionalisation has not been equally challenged. In fact, gender binarism relies on similar mechanisms to fit people into artificial moulds which are then used to ascribe value.

The failure to challenge gender is also evidenced in the dominant narrative which focuses on racial discrimination as the basis of post-apartheid reform. As some have argued (Armstrong, 1994; Gqola, 2015; Walker, 2010), the focus on race has relegated other apartheid experiences particularly of non-cis-heterosexual males to secondary importance. Walker (2010) argues that this was done by constructing a master narrative which presented the victims of apartheid as a homogenous unit which unless otherwise specified is in fact black, male, and heterosexual. Which explains, for instance, the silencing of rape and GBV victims during apartheid (Armstrong, 1994) and throughout the transition period (Gqola, 2015) since their stories were considered to have divisive effects on national unity.

Besides, based on Dumi's experience, the fact that the system is not designed to accommodate trans individuals forces them to disclose their trans identity even when they might not want to do so, for instance, to the bank employees, the lawyer, or the deeds office. Yet, as Marais (no date) argues, disclosure for a trans person is not an easy decision to make. Disclosure comes with feelings of "anxiety, fear, shame, and guilt" due to the anticipated and often negative response the individual gets. Hence, such forced disclosure effectively undermines the individual's right to privacy, their inherent human dignity as well as "the right to bodily and psychological integrity" all protected under chapter two of the Constitution.

Moreover, a 2016 study on *Hate Crimes Against Transgender People in South Africa* found that 47% of the respondents had experienced some form of discrimination in the past 24 months (OUT LGBT Well-being & Nudge, 2016). Although a study on public opinion of transgender rights in South Africa (Luhur et al., 2021) found that attitudes are generally positive. In the same study, 47.6% of the respondents still thought that "transgender people are violating the traditions of their culture", 50.1% were against exposing transgender people to children, and 47.5% did not think that they should be allowed to use a restroom aligning with their gender identity (p.12). Highlighting the fact that transphobia remains high, and disclosure has real consequences and should not be taken lightly.

While The Alteration of Sex Description and Sex Status Act 49 of 2003[13] makes it possible to legally change gender-markers, the prerequisites for the change are too cumbersome and thus inaccessible for under resourced individuals (Luhur et al., 2021: 2). In fact, trans and gender diverse activists have come out strongly against the model on which it is premised in a position paper, stating that it is "highly pathologizing and incompatible with the country's priority of achieving social equity for all who live in it." (Matthyse et al., 2021: 3). In any case, even such an allowance still operates on the premise that gender can only occur within the confines of the binary thus excluding gender diverse and gender non-conforming individuals and pressuring individuals to transition in order to fit into this narrow conception. Hence, Dumi's experience also demonstrates that Hope and Magpie's experiences of gender binarism discussed above are not limited to territories under traditional authority but in fact operate within a socially and institutionally mandated framework.

While Dumi was aided along by a knowledge of his rights and ability to fight for them, this would not be the case for every trans or gender diverse person who has to engage with the system—in this case, the Nedbank Group is just one aspect of a more overarching network of institutions, norms and values that produce and reproduce a transphobic and queerphobic narrative with potential to undermine queer access to land and land-based resources.

Additionally, Msizi (late 40s, ciswoman, lesbian) and Nombi (early 40s, transwoman, heterosexual) experienced the criteria government uses to allocate RDP houses as discriminatory in nature. This is due to the expectation that one must be married or have children in order to qualify as Msizi narrated

> *If you want a place [house] they will want you to have one child... So, by that time I used my little brother [pause] to act as my child because we've got same surnames.*

Nombi further elaborated that

> *I think the criteria used in order to especially get a low-cost house from government, it is so queer unfriendly and queer disrespectful. Because if you look at households that are driven by gay people, households driven by lesbians, driven by trans people. And just because in their mindset, they say you must have responsibilities. You must have children. How it's put out and*

[13] See, South Africa. (2004). Alteration of Sex Description and Sex Status Act 49 of 2003. Government Gazette. https://www.gov.za/sites/default/files/gcis_document/201409/a49-03.pdf

implemented is you must have biological children. And I have a big issue with that. And the more children you have the better your position. It's very, very heteronormative.

Nombi highlights the fact that the criteria are in effect set and implemented in such a way as to exclude queer people whose households do not conform to the heterosexual format yet queer people also have responsibilities and take care of households of their own. Nombi and Msizi's experiences are confirmed by the Department of human settlements which states that in order to qualify for a government subsidised housing, one must either "Be married or habitually cohabit with a partner." Or "Be single and have financial dependants." (Department of Human Settlements, n.d.). Neither Nombi nor Msizi fit these criteria at the time of application.

Such criteria demonstrate an inherent heteronormativity because they rely on assumptions about their applicants' ability to enter into relationships or have children. Moreover, Cornwall et al., have observed that "most development interventions are premised not only on heteronormativity…but also on marriage normativity" (Cornwall et al., 2008: 11). These two normative positions in fact function in tandem such that heteronormativity privileges heterosexuality while marriage normativity strengthens it by only acknowledging and validating heterosexual marriage.

Hence, only recently was the Civil Union Amendment Act, 2020[14] approved that repealed section 6 of the Civil Union Act, 2006[15] which allowed marriage officers to refuse to perform same-sex unions on "the ground of conscience, religion and belief." Implying that same-sex marriages did not enjoy the same status as heterosexual marriages even in the eyes of the law. Therefore, it is unsurprising that the criteria used to allocate subsidised housing were experienced as exclusionary, discriminatory, and heterosexist by the respondents.

4.2.3: What does size have to do with it?

In her efforts to apply a gender lens to land reform, Walker (2009) attempted to understand the ways in which gender influences decisions concerning land. She argues that women's land rights, particularly in the South African context must be understood in relation to other

[14] Republic of South Africa. (2020). Civil Union Amendment Act 8 of 2020. Government Gazette. https://www.gov.za/sites/default/files/gcis_document/202010/43832gon1108.pdf

[15] See, South Africa. (2006). Civil Union Act 17 of 2006 (No. 17). Government Gazette. https://www.gov.za/sites/default/files/gcis_document/201409/a17-061.pdf

factors such as their social roles given that land cannot be divorced from its social functions. Hence, she pointed to the fact that women favour land for domestic sustenance which also influences the sizes of land they sought which in her study were “five hectares or less” (p.474). Demonstrating that the choice of location and size of land is a gendered consideration.

What Walkers analysis intended to do was to use a gender lens to understand why land reform has failed to realize gender equity. For instance, the *Final Report of the Presidential Advisory Panel on Land Reform and Agriculture* (2019) states that women comprise of only 23% of land reform programme beneficiaries, a figure which is below the 30% target government had set for itself. In fact, there are more women owning land in joint partnerships with men than there are women who exclusively own land as a result of government redistributive measures (Hart, Chandia and Jacobs, 2018: 115). Thus, Eve’s experience below must be understood in a broader context of government’s failure to achieve gender equity in land redistribution.

When Eve (late 50s, ciswoman, lesbian) wanted to purchase her ex-wife’s half of a farm they jointly owned after their divorce, she began by approaching various commercial banks, including the land bank. However, none were willing to give her a loan because she was self-employed and thus uncreditworthy for commercial banks while her piece of land was too small to meet the land bank’s criteria. She described her experience of the land bank policy as outrightly discriminatory in design as it was not cognizant of the needs of farmers like her

> *Do you know when I just started out, then I did [try to get a loan]. But the stuff is so crazy. The stuff is so crazy. That I don't even know where to start. When I wanted to buy this place from my ex, I called the land bank. I said, “land bank, I own half a farm. Will you give me a loan to buy the other half?” “No, we don't fund farms that are under 30 hectares”. I said to them, I said, “you know your policy says that you supposed to support black women. How many black women do you know that are buying farms 30 hectares and over? versus how many are buying one hectare size farms, Hello? Because the only black women I mean in Cape Town, the only black women I know that are farming, they are farming one hectare. "Sorry", said land bank. “That's not our problem. That's our policy.”*

She was also caught between a rock and a hard place because in order to afford to run the farm, she had to work parttime, yet the banks were not willing to fund her if she was not

working full time. Hence her attempts at getting funding elsewhere were also futile as she narrated

> *I tried my bank, the bank where I was banking. I tried another bank. It was difficult because you know, I'd always been… when I was working, then maybe I could have been successful, but I'd been consulting at that point for many years so that I could farm. I could work half the year and I could [farm]. Or what I ended up doing in the end was working two and a half days a week [and] farming two and a half days week. And that was working out quite well. But the way I managed to do that was through consulting, so I didn't have a regular income.*

Thus, working part-time and farming part-time was the only route available if she was to both purchase and make the necessary investments on the land. Yet this strategy also put her at a disadvantage as it effectively excluded her from private credit channels.

She added that

> *It was way easier! [to work and farm] Because that… that government stuff was [trails off in frustration] ... The borehole, the dam, the biogas digester, the labour... But certainly, I could not afford to not work and farm full time, h*** no. This whole place, it was covered in alien vegetation all of which had to be cleared and replanted with the specific ecology.*

Thus, Eve's consternation above articulates well the inconsistencies between a national land reform agenda which seeks to alter historical dispossession; government policy which claims to prioritize previously disadvantaged people with a particular focus on black women (Didiza, 2021); and what should be a public funding institution yet whose design in more likely to perpetuate that very historically engineered land distribution patterns it seeks to dismantle. For instance, the land bank stipulates support for emerging farmers, previously disadvantaged groups, women, and youth as well as a commitment to transformation (Landbank, 2018). However, according to AgriFarms (n.d.), even though accommodation is made for individuals from these groups, applicants must have significant private financial backing before they can acquire a loan from the Landbank. This demonstrates that by design, one of the major land funding institutions is indeed discriminatory towards economically marginalized groups under which queer people fall.

In fact, funding has proven one of the biggest barriers to entry and growth in post-apartheid South Africa in the market-led land reform framework government adopted, this is

particularly true for emerging farmers as a working paper from the competition commission found. According to the paper, “the funding framework in the country does not appear to be geared to emerging farmers and caters more to existing commercial farmers” (Mtombeni et al., 2019). Thus, Eve’s failure to access funding through various banks is indicative of a bigger problem of credit access for previously disadvantaged individuals hoping to enter the farming sector as she pointed out

> *…it's kind of built into the system. If you've got a policy that says you're only supporting bigger farms, then you're excluding black women, most of whom farm on a smaller level. I mean, then you're excluding black people period. How many black large-scale farmers do you know in the Western Cape? I mean, they just aren't that many women, female, and queer. So, when you have stupid land policies like that…*

Cochet and Anseeuw (2015: 289) amplify Eve’s view by arguing that the government tends to favour a commercial farming model that relies on an apartheid era framework. For instance, the types of business plans capable of convincing government of future profitability and sustainability of the farm are “moto mechanised; specialised, with the actual separation of cultivation and livestock farming activities; a major consumer of farm inputs (on irrigated land), fossil energy and irrigation water…” Regardless of government rhetoric in terms of priority groups and support to emerging farmers, Cousins (2016) also notes that in reality the large-scale farms receive most of the funds. Such preference illustrates a lack of transformation and explains the reason land reform beneficiaries have been largely male given Walker’s argument and Eve’s experience above.

Besides, queer women in same-sex relations cannot rely on intimate relationships with men to access land. Thus, their circumstances present unique challenges. For instance, on average only 16.53% of redistributed farmland was exclusively owned by women while men exclusively owned 54.44% and the rest was jointly owned (Hart et al., 2018). While the figures varied per province sampled, the variations did not change the fact that men owned majority of redistributed land, in some provinces such as KZN, the percentage was just short of 70%. Such figures illustrate the predicament in which queer women find themselves.

Hence, in order to understand Eve’s particular situation, her queer subjectivity, and the ways in which it intersects with other identities must be highlighted. As a woman, she falls into a category of people who have benefitted the least from government’s redistribution

programme as has been argued above. As a black person, she is part of a historically disadvantaged group who now form the majority of emerging farmers, however, as Mtombeni et al., (2019) argue this group is also the least funded with preference going to more established commercial farmers. As a queer woman, she is also unlikely to access land through her relationship with a male spouse. And as a lesbian woman without a partner, Eve could not rely on a partner's external finances or family labour to run the farm unlike for instance, a heterosexual couple with children would. Cousins (2009) observes that often on family farms, the man takes on the position of the capitalist who then exploits his wife and children's labour.

Eve's conundrum mirrors that of other queer people elsewhere. For example, Wypler (2019) found lesbian women at the exact confluence of hostile institutional biases in the USA. Whereby, their inability to rely on a "traditional heteronormative family" or intimate relationships with men drastically undermined their capacity to convince government agencies of profitability and thus prevented them from accessing loans and financing. Alternatively, Land Dyke[16] in Taiwan opted to rely on a collective of queer women to acquire land for farming as a way of subverting heteronormativity in agricultural land access (Tattersfield, 2019b).

Additionally, Eve's farming approach which as will be argued in the next section is intricately linked to her queer subjectivity does not align with the type of commercial farming described by Cochet and Anseeuw above. Hence, it is safe to conclude that from Eve's point of view, land reform and the institutions facilitating it are not only sexist but also heteronormative and anti-queer.

Therefore, Eve's problem is not simply one of funding, the nature of the farming she wanted to pursue and the types of land she could obtain given her queer subjectivity are also at variance with the government's own version of profitability and sustainability which puts her at odds with the funding models available as will be discussed in more detail in sub-section 4.3.1 (p.61) below.

16Named after the lesbian separatist movement of the 1970s in the USA. See for instance, Anahita, S. (2009). Nestled into Niches: Prefigurative Communities on Lesbian Land. *Journal of Homosexuality*, *56*(6), 719–737. https://doi.org/10.1080/00918360903054186

4.3: Deconstructing the intersections between queerness and land use

As section 4.2 (p.48) above demonstrated, queer identity impacts access to land when institutions facilitating that access are not cognizant of the needs of queer people. And, when policy is thus premised on assumptions and biases grounded in heteronormativity, cisnormativity, and patriarchal norms and values. This chapter intends to take that argument further by discussing how identity informs, shapes, and impacts land use.

Several scholars have demonstrated the ways in which government's favoured land use approaches alienate and marginalize previously disadvantaged groups (Cochet & Anseeuw, 2015; Kepe & Hall, 2016; Walker, 2007, 2009). Cochet and Anseeuw (2015) for instance argue that redistribution and restitution beneficiaries often fail when they are unable to change production on received farms to suit their needs and are therefore inserted into production and distribution processes outside of their control. They give examples of beneficiaries of citrus farms and sugar plantations who either abandoned the farms or resorted to a reliance on white contractors because they could not sustain the old production model. Such strategies are regressive and contrary to the intended purpose of land reform.

Secondly, one of the most critical oppositions to the TKLA was the knowledge that an empowered and unaccountable traditional authority would enter into mining ventures and business deals with private partners without the consent of the residents. The WoMin Collective (2017) for instance is vehemently opposed to what it terms extractivist land use – premised on extracting minerals and other non-renewable resources from the ground. It is for this reason that the people of Xolobeni, women were front and centre in this resistance, resisted and won against an Australian mining giant hoping to extract titanium from their land. They understood that the destruction rendered upon the land in the form of land degradation, water and air pollution was not a sustainable form of development and thus refused to endorse it.

What the above establishes is that government's development agenda tends to conceive of land use in ways that run parallel to the intended beneficiaries of land reform. This chapter relies on this line of inquiry to demonstrate that identity played a big role in the practices, approaches, and strategies adopted by the participants. Here, questions such as how does

identity inform and influence land use? Do queer practices differ from mainstream ones and if so, how? are answered.

4.3.1: Land (non)management: alternative farming practices

Scholarship on land reform, both academic and policy, tends to conceive of two classes of land users in South Africa: one is pre-capitalist, under resourced, mostly rural, and uses land for subsistence and settlement while the other is capitalist, resourced, mobile, and uses land commercially be it commercial agriculture, tourism, mining, or other business ventures. There is also an implicit assumption that all resourced land users will automatically fall in the later class and vice versa; and that given a choice, the first group will progress to the second level and continue to expand until they are farming at a large commercial scale. These classes are well laid out in the *Draft National Policy for Beneficiary Selection and Land Allocation (NPBSLA) document of 2019.* The NPBSLA document also states that "Government shall promote conditions which will enable a selected beneficiary to graduate and produce at the level that matches the potential of an allocated farm" and declares its intention to "rekindle the class of black commercial farmers" destroyed by the "1913 Native land Act" (p.36).

While scholars have highlighted the ways in which the government's support for the capitalist class tends to disadvantage the pre-capitalist class (Cousins, 2016; Lahiff & Li, 2012; Walker, 2007), the assumption on which these classes are premised is generally taken for granted. Hence, what tends to escape analysis is perhaps a third class of land user, a class that is relatively well resourced and has the potential to use land for capitalist production but one that chooses not to for ideological reasons. It is this class that I would like to draw attention to in this sub-section.

One of the emergent themes of this study was that the participants made environmentally and socially conscious choices in their use of land. This theme is well demonstrated by Eve who holds a PhD in economic history and grows and uses indigenous plants in the production of medicinal and other herbal and organic products using renewable energy. She had adopted the "Do Nothing School of farming" approach taught by Masanobu Fukuoka in her farming practice. Eve was in the process of transforming her farm in line with the principles of this school and asserted that according to this school, "when you're managing it [the land] as little as possible, then you know you're farming correctly." She added that

> *Fukuoka was like me, you know, he was a man with a PhD in agricultural science, who worked with the Japanese Department of Agriculture for 20 years and then had a blinding enlightenment and realized he was doing it all wrong, went back to his family farm in Fukuoka in the rural areas and proceeded to destroy his father's citrus trees for a couple years, till he figured out what he was doing. And so that's my… I'll never say I get to a point where I'll do nothing on this place. But you know, really, the more you work with the spirit of the place, rather than trying to impose some colonial mode of production, the more it rans itself.*

Clearly, she recognised the role of colonialism in shaping contemporary land use patterns and sought to counter it in her own practice. Her intention was to become one with the land and impose as little of will as possible as she went on to say

> *…this ecology is maturing… I do less and less planting and do more and more of just harvesting you know, I'm an animal in this landscape now. I eat and hunt less. And I keep trees from overwhelming each other. I imitate a goat. I graze. You know, I cut grass and I cut trees and help where [I can]. God willing very soon I shall fence and then I will have sheep that will do that work for me. And chickens and then I will do even less than that.*

Eve likens herself to a goat on the farm, an animal whose impact does not overwhelm its surrounding but whose survival is aligned with that of its environment. Like the animal, she hopes to live symbiotically in the ecology.

Eve's farming practice is similar to the one adopted by the lesbian separatists discussed in sub-section 2.2.3 above. For them, "subjective, emotional connections to land" are prized over "objective, exploitative" ones (Anahita, 2009: 728). And so, a prominent part of the ethos that is collectively nurtured is that of building these relationships with land and conceiving of oneself as part of the ecology. For the lesbian separatists, their praxis was also embedded in an ecofeminist framework or more specifically, a queer ecofeminist framework which theory links colonialism to queerphobia (G. Gaard, 1997) as discussed in sub-section 2.2.1 (p.11) above. Hence, it is a practice that is antagonistic to patriarchal, colonial, and capitalistic land use approaches.

This analysis is useful in the South African context where colonialism "raped the land" and created a hierarchy which denigrated all under it in the order of race, gender, and sexuality as Prof Zethu Matebeni observed in the Eudy Simelane memorial lecture (Ujamaa Centre, 2021)—discussed under 2.2.1 (p.12) above. It also demonstrates that the reliance on

apartheid era farming methods is a failure to decolonise the relationship with land. In fact, Kepe & Hall (2018) argue that the lease method used by government under PLAS to engender purely exploitative land use is a kind of recolonisation.

This failure is also exemplified by the reliance on white male mentors (Cochet and Anseeuw, 2015; Kepe and Hall, 2018: 132) to both partner with and transfer farming skills to land reform beneficiaries. For Eve, the idea that such mentorship could teach her to farm in a way that aligned with her own belief system was laughable as she elaborated

> *If I'd had to get a mentor from the Department of Land affairs [now DALRRD], they would have given me one who was funded by Monsanto. Then that wise man would have proceeded to teach me how to farm, that made absolutely no sense to me. For most of my farming life you will only get subsidies or assistance if you accepted that mentorship and I never got that, this assumption that white males know how to farm and black females don't, in Africa! In Africa! South African government policy is crazy! That's all I can say about that.*
>
> *I strongly doubt that a white man whose people came in 1652 has something to teach those people who've been here forever about farming in this country. Really? Maybe they could teach me to be a commercial farmer. But I don't want to be a commercial farmer. That's not my thing. I don't want to be paying my workers R105 a day I'd be embarrassed to pay my workers like that.*

Demonstrating that Eve considered the unchallenged copying and pasting of apartheid era farming skills ill-advised; that she did not believe such a skills transfer would equip her with the type of knowledge which would engender a decolonised and anti-capitalist practice; and that commercial farming was outside of the scope of possibilities for her due to its reliance on poorly paid labour.

While the NPBSLA states that applicants must undergo a “skills audit and assessment” before land allocation (Department of Rural Development and Land Reform, 2020: 36) it’s not clear what skills they would look for and whether those involving indigenous plant cultivation using the do nothing school of farming to sustainably produce organic products at affordable prices would be convincing. It further reveals that Eve’s ideological convictions contrast heavily with those underpinning the government’s land reform agenda in which the assumptions on which apartheid era farming was premised are unchallenged.

Thus, Eve's queer subjectivity cannot be divorced from her race, ethnicity, and gender identity as all these reside within her at all times and inform her farming practice as argued by Simon Tseko Nkoli, a gay liberation struggle icon said, "In South Africa I am oppressed because I am a black man, and I am oppressed because I am gay. So when I fight for my freedom I must fight against both oppressions." (GALA, 2007). The queer members of MST (LGBT Sem Terra, 2020) have made similar arguments as already discussed. Thus, Eve's praxis demonstrates that those who stride the intersections of multiple identities, particularly multiple contested identities, can bring a different perspective to the land debate. It also leads one to ask: to what extent is the failure or refusal to farm commercially inhibiting land uptake particularly in key priority groups such as women, youth, and people with disabilities?

4.3.2: "Love Gardens"

Another key theme emergent from the data was a desire to use land to tackle socio-economic issues by for instance teaching community members about gardening and composting, skills development and dealing with GBV through the creation of shelters.

For instance, Vandyn (late 50s, nonbinary, queer) and their[17] partner introduced the concept of "love gardens" into the village in KwaZulu-Natal (about 30 minutes from Durban) as a way to improve food sovereignty and self-sufficiency. Vandyn grows various fruits, vegetables, and herbs and spices some of which they use to produce alternative medicines which they use in their traditional healing practice. Love gardens were a way of bringing this practice into the community as Vandyn noted

> *…we want to make a change in the community, especially in villages. Because there's many people…struggling to produce their own fruits and vegetables. We started this project of small love gardens. We call it love gardens, to teach people that in your piece of little land that you have, you can grow your own vegetables by giving your neighbour a tree or seeds. We have introduced that kind of thing and some of them have already started*

This demonstrates that for Vandyn, access to land is an opportunity to contribute towards improving the livelihoods of their fellow community members. When I asked how well the love gardens had been received in the village, Vandyn responded that

[17] The singular "they" pronoun will be used interchangeably with "he" and "she" to refer to Vandyn because they are non-binary

> *…when we came here, nobody had like a garden, it was just a mess. Now most of our neighbours are having a small garden and they are [working] in the garden. When we came here there was just nothing*

At the time of the interview, they had only lived in the village for less than a year. Love gardens were for them a form of self-love and love for the natural world manifesting in the ability to feed oneself and make environmentally friendly choices

> *…we call it love gardens because you have to have a love for yourself and a love for nature and a love for the garden to eat from your land. We believe that no woman or child should sleep hungry. So, we are teaching them to grow their own garden even if it's a small garden but grow and also to recycle… umm when you had vegetables and you peel them, don't just throw those things, all those are compost*

> *…we built wooden cabins and eco-friendly toilets where we use sawdust system. We don't use the water system; we use the natural eco way of living. And it's working, it is also protecting the environment*

In order to execute her approach, Vandyn completed a course in Eco Garden design from the University of Gaia and joined various networks and groups to improve her knowledge of eco-living. Vandyn was also invested in tackling GBV in the village and mentioned plans to incorporate a shelter on their land for women fleeing violence (this was the case for two other participants as well). Furthermore, they took every opportunity to speak to the community members about it. Vandyn's approach demonstrates three things: 1) that she was invested in doing her part to improve community livelihoods through the love gardens; 2) that the concept of love gardens was part of a broader relationship between nature and the self; and 3) that she was aware of the impact of her actions on the environment and invested in leaving as low an ecological footprint as possible.

Vandyn's praxis is also similar to that of the lesbian separatists as already discussed. As Sandilands argues, separatism was a way to reinvent the relationship with land by engendering food and self-sufficiency (2002: 132) in order to re-conscientize themselves outside of heteropatriarchal capitalist influences. While Vandyn has the resources to practice commercial farming, the "moto mechanised" version which intensively consumes "farm inputs" such as fossil energy" favoured by government (Cochet and Anseeuw, 2015: 289) is

not a viable alternative for them yet they demonstrate an interest in using land productively to sustain themselves economically.

In effect, Vandyn and Eve are in the process of creating a new culture of nature that contributes to a South African or African queer ecology. Vandyn and Eve's identity evidently shapes their land use and has ripple effects far beyond their immediate needs because it affords them a unique perspective into social relations and their implications. Furthermore, their positionality makes it hard to ignore how these social relations determine the forces of supply and demand; of poverty, gender and sexuality; of patriarchy and capitalism; and of food production and environmental degradation.

4.3.3: Location, location, Location: Queer safety considerations

What became increasingly apparent in this study was that safety considerations informed decisions on land and land-based resources. In fact, gender has also been linked to decision making around land by Walker (2009) who observes that it plays a key role in both demand for land and its use. Similarly, a study in the USA found that queer identity shaped decision-making regarding location and concluded that queer people often missed opportunities to access land in cheaper locales for fear of victimisation suggesting that "land access was not only a matter of economics, but also of heterosexual, cisgender… privilege."(Leslie, 2019: 941) However, the role of identity-based safety considerations in land access and use decisions has yet to be explored academically or in policy within the South African context even as the high levels of GBV and violence against queer people are broadly acknowledged as endemic.

For example, On 1 July 2021, the deputy minister of Justice and Constitutional Development, John Jeffrey, briefed the media regarding the high and increasing incidents of hate crimes against queer people (SA Government News Agency, 2021). According to the minister, by the end of June 2021, 42 crimes had been reported – 30 of murder and 12 of rape, most reported between 2020 and 2021. However, most crimes go unreported due to fear of secondary victimization from the police who are often queerphobic (Müller, 2019b). The deputy minister further highlighted the importance of a consolidated strategy with various government departments, stake holders, and civil society to prevent these crimes and change attitudes at the community level.

In this study, the participants employed particular strategies when selecting and using land in order to deal with homophobia and transphobia. This section will discuss safety considerations that informed the participants' choices and the strategies they adopted to ensure their safety in the context of land use.

When I asked Eve whether she considered buying a bigger farm—hers was only one hectare—she said

> *Yes, I mean, we could have bought 20 hectares farther away, like a big farm but I mean two women living out in the middle of nowhere with nothing but wheat fields around? That would have been crazy. You know, I would never have done that. I wouldn't have been able to sleep.*

Demonstrating that Eve was willing to forego a bigger farmer in order to ensure her safety. In fact, she considers opting for a bigger farm in view of the vulnerability she would be exposed to, "crazy".

In a similar vein, safety concerns were also behind Agang's (early 50s, cisman, gay) decision to join the occupation. Agang is a member of the Reclaim the City (RTC) Movement in Cape Town, currently occupying—for the past six years—what has been dubbed the Ahmed Kathrada House but is formally known as the Helen Bowden Nurses' Home in Sea point. He emphasized that

> *I wouldn't like to live on the periphery. I would love to have a house, or we could be in a gated family, or we could have a flat whereby it's RDP but within the inner city not at the periphery. I wouldn't like to live at the periphery especially in Cape Town.*

Agang also considered the more affordable areas further from the city centre too dangerous after he had been attacked and robbed on various occasions. He opted to join the RTC, a movement which calls for safe, affordable, and accessible housing, and occupy a building in pursuit of this safety rather than risk the more affordable but outlying areas.

Additionally, when I asked Vandyn whether the chief (whose consent was needed to purchase land in the village), and their neighbours were aware of their sexuality they said that

> *No, the problem we are new here, we are still new. So, we do our day-to-day living. But we are not echoing that we are two lesbian women because in this area. So, they just see two women. Black and white. And maybe they are wondering…*

…because you'll find there are women that are being raped, so we're still [laughs] checking the story out, you know, for safety, safety sometimes is better than to be sorry.

The above reveals that Vandyn and their partner were willing to hide their sexuality so as not to jeopardise their safety in the village which illustrates the need to tread carefully in order to avoid homophobic violence. Hence, they wanted to gauge community acceptance before living openly as a couple. Some participants also mentioned taking great care in their selection of contractors and service providers in order to avoid transphobia and homophobia. For Nombi, it was a "kind of a self-protection." Andrew (mid 40s, cisman, gay) mentioned using humour to diffuse situations when contractors made snide remarks or jokes about his inability to do repair and maintenance work around the house, implying that his sexuality was the reason behind this inability.

In *Simon & I*, Bev Ditsie, one of the organisers of the first ever pride in South Africa asserted that, "Gender-based violence is a problem in South Africa but coming out as lesbian is even harder because then you are putting yourself in the firing line."(2002) Similarly and as has already been argued in sub-section 2.2.1, Gqola (2015) asserts that the threat of rape psychologically programmes women to limit their own movements. This strategy is used to assert power over women, trans people, and men who do not perform masculinity effectively. Thus, Vandyn's carefulness with which they navigate the village is an example of this dynamic at play. Consciously or unconsciously, Vandyn negotiates the village space in a way that shows a lack of ownership of it.

Moreover, the so called "corrective" rape is a phenomenon used by heterosexual men against lesbian women in South Africa where rape is used as a weapon to enforce heterosexuality by curing them of their homosexuality. While statistics are unavailable, a report by ActionAid in 2009 detailed the experiences of lesbians living in fear of men who threatened them with "corrective rape", others had been killed (ActionAid, 2009; Gallagher, 2022).

Cornwall et al., have also observed that "men who 'betray' their gender through their 'feminine' representation and/or sexual relations with other men may face violence and discrimination." (2008: 12) The violence is intended to protect the patriarchal hierarchy by policing the borders of the gender binary through which male privilege is disbursed. As already been empirically established under sub-section 4.2.1 (p.48), this privilege is also

institutionally sanctioned by traditional authorities and their enforcement of the gender binary as well as the state's encoding of a gender marker on the identity document.

Chapter 5: Conclusion, Limitations, Recommendations

This chapter provides a summary of the arguments made in this report vis-à-vis fulfilling this study's primary objective i.e., that of uncovering what the experiences of queer people with land and land-based resources say about South Africa's post-1994 land reform programme. It also summarizes the key findings made by this study which were grounded in the experiences of the queer participants against the backdrop of the arguments made from the key literature. For instance, the study discussed the limitations of the conventional gender framework and presented a counter-narrative centred on queer contestation and its resultant strategies and alternatives for land access and use. The limitations and challenges of the post-apartheid land reform programme were also raised and analysed with a view to understanding how they have shaped this programme and the implications thereof. The findings are presented in three interrelated themes drawn out of the experiences of the participants in response to the questions posed by this study.

In establishing what queer experiences with land tell us about South Africa's post-apartheid land reform programme, it was necessary to firstly understand the broader developmental context in which these experiences are located as well as to make a case for the use of a queer lens. Thus, in the introductory chapter of this report, it was argued that queer people have often existed on the margins of development due to the conceptualisation of gender through a binary framework which tends to view gender and women synonymously. However, there are shifts suggesting an acknowledgement of the need to expand the gender framework to include queer people given that queer marginalization works against efforts to eradicate poverty and inequality at a national and global level. Hence, institutions such as the World Bank have also come to the table with calls for queer inclusion in development and economic planning (Koehler & SOGI Task Force, 2015). The chapter further posited that while the queer community could be considered marginal in size, there is evidence that a queer lens presents opportunities for broadening land use approaches. This is because a queer lens tends to engage with land issues holistically by not only focusing on ownership or access but tackling other avenues of oppression such as the adoption of an anti-capitalist, anti-exploitative, anti-colonial, anti-patriarchal, anti-heteronormative, and gender diverse approach.

To make sense of the "implicit victim of racial bias" (Walker, 2010), an equal but opposite figure constructed out of the post-apartheid conventional gender framework was posited.

This figure, who is female, is the marginalized, rural, and poor secondary victim seemingly prioritized in land reform policy whose access to land is limited due to the focus on the primary victim i.e., the male focus of apartheid dispossession. Based on these two figures, it was then possible to glean the ways in which land reform has been effective in realising the emancipatory and transformative objectives set out in the 1997 white paper on South African land policy (Department of Land Affairs, 1997). It was noted however that while the constitution provides adequate protections and grounds for equitable access to land, the decisions taken by the government such as the passing of the TKLA which served to strengthen traditional authorities despite opposition from women and various stakeholders (Land & Accountability Research Centre, 2018) tend to counter the government's reformative ambitions. This was further visibilized in the narratives of the participants as they sought to access land and secure tenure in areas under traditional authority.

The concept of a master narrative was further used to situate the participants in the historical land discourse in order to demonstrate that while their experiences have been erased in the main, they too were there, and they continue to construct their relationship with land around this historical dispossession. This served to answer one of the sub-questions posed by this study which sought to understand the ways in which the participants make meaning of land and land-based resources. Through the experiences of two participants who endured forced removals under the group areas act, it was noted that the present meaning they make of land is still rooted in this experience. In fact, their experiences are similar to the arguments used to craft a homogenous national identity around apartheid dispossession which was used to pursue land restitution as redress for colonial and apartheid land dispossession. However, while queer experiences can be empirically located in the broader land narrative, the notion of a male primary beneficiary or a marginalized poor woman which has shaped gender analysis on land does not adequately include the experiences of transgender and gender diverse people, non-heterosexual men, and women. Similarly, it is difficult to position this group as a whole in the government's prioritization of women, youth, and people with disabilities thus leaving them in limbo in terms of the land reform programme.

The legacy of colonialism and its role in institutionalizing cisnormativity and heteronormativity was critical in this study's efforts to deconstruct the intersections between queer people and the institutions governing and administering land and land-based

resources. This was achieved in two ways: firstly by illustrating the ways in which erotophobia (Gaard, 1995) was used to rationalize colonialism by enforcing compulsory heterosexuality; and secondly, by demonstrating the government's failure to effectively reform traditional authorities and highlighting that tenure security remains a source of inequality and economic exclusion (Presidential Advisory Panel on Land Reform and Agriculture, 2019) due to the government's failure to effectively resolve issues around land governance. Thus, while the sexist and patriarchal tendencies of traditional authorities are well understood, the study also argued that the state's sanctioning of the binary gender model through, for instance, the encoding of a gender marker on the identity document serves to contribute to a hostile and debilitating environment for queer people which has repercussions on their ability to access land and secure tenure for themselves.

Cisnormativity and heteronormativity are further witnessed in certain criteria employed by institutions facilitating access to land and land-based resources such as banks but also by the government's own criteria for distributing land-based goods such as housing. For instance, the requirement for own funding and the size of the land funded by the land bank are noted to be discriminatory as they do not consider the needs of queer women in particular and women in general. However, while joint ownership with men has become an alternative strategy for heterosexual women, such a strategy is ineffective where non-heterosexual women are concerned. Additionally, the requirement for romantic partnerships or children as prerequisites for accessing housing tends to operate outside of a recognition that such criteria are not as easy to fulfil for queer people explaining why the participants found them discriminatory.

While the government continuously mentions women and youth as a priority group in land policy, the experiences of the participants and arguments made in this report suggest that actualizing this prioritization requires subscription to land use approaches that do not necessarily align with those of the participants because of their queer subjectivity. An antagonism was thus noted in the literature review between women broadly and the government's development agenda which was also linked to the government's contradictory role in strengthening traditional authorities. In the case of this study's findings, the decisions the participants made that are cognizant of the ecological impact of their land use also put them at odds with the government's preference for commercial agriculture and extractivist

land use and thus made it impossible for them to utilize most government-funded opportunities.

Queer ecofeminism contributed towards making sense of the alternative land use approaches of the participants with a view that there are similarities between the participants' approaches and those of the lesbian separatists in the USA who saw separatism as a way to both escape patriarchy and heteronormativity but also cultivate a lesbian land culture. While the participants in this study did not separate, they too rejected the dominant land use model and deliberately sought out financially viable approaches that did not leave high ecological footprints. Unlike the separatists however, the participants appeared to view their access to land as an opportunity to contribute towards positively alleviating some of the challenges faced by the communities in which they reside such as food insecurity and environmental degradation by for instance, teaching community members how to grow their own food and improve soil health. The report posits that the government's approach does not make space for such alternatives but relies on a bimodal framework which focuses on either subsistence farming and settlement or commercial land use. This study suggested an alternative framework necessitating the acknowledgment and addition of a third class of land user who is not effectively represented in policy documents and scholarship. While this third land user is well capable of commercial land use rooted in capitalist resource exploitation, they reject it due to their ideological convictions in favour of environmentally and socially sustainable alternatives.

In the participants choice of location which tended to trade safety for affordability, the study builds on Leslie's (2019) finding that queer land access is not a matter of demand alone but hinges on other considerations such as safety which challenges are not present for other land users. In so doing, such considerations limit the degree to which queer people are able to take advantage of certain avenues for access particularly when the institutions facilitating these opportunities are not cognizant of their challenges. As an emergent theme, safety considerations as determinants of land access and use are unsurprising given the high levels of violence against queer people and endemic nature of GBV found in the literature. Yet, as the Constitution states, the government has a duty to foster an environment that accommodates equitable access. Hence, the study notes that working against transphobia and homophobia by challenging its colonial origins has the capacity to not only foster queer

access to land but also dismantle the gender ideologies that lead to such high rates of rape and GBV and inevitably positively impact access for non-queer individuals as well.

Finally, through the experiences of the queer participants and supported by the arguments made here, this report concludes that while queer South Africans experienced apartheid dispossession, they have been erased from the broader narrative on which redress was premised. Secondly, their queer identity and subjectivity positions them on the margins of the redistribution programme which is patriarchal, heteronormative, colonial, and capitalist in nature. Furthermore, unchecked queerphobia undermines their capacity to access land and land-based resources. Lastly, as argued, cisnormativity and heteronormativity are impediments to tenure security when said tenure is premised on the ability to conform to normative gender identity and sexuality. The above inferences all serve to answer this study's main question by contending that South Africa's land reform programme is not queer inclusive by design and implementation, and neither is the conventional gender framework it relies on to foster access for women.

Theoretically, the introduction of a queer perspective to the land discourse, which is this study's primary contribution, serves to illuminate some elements of the land question that are otherwise obscured from other analytical lenses. The black, female, African, trans, queer subject is at the centre of multiple contested identities which through their intersections with institutions and policies have the potential to reveal assumptions and biases therein. Thus, thus study serves to build on to the work of gender analysis on land by expanding its scope beyond its cisnormative and heteronormative confines. Furthermore, a queer lens begins to formulate an African queer ecology that is anti-capitalist, anti-colonial, anti-extractivist, and anti-patriarchal in nature which can enrich other areas of study such as gender studies and environmental studies to name a few.

Although online interviews due to covid-19 safety restrictions provided the opportunity to expand geographical scope, they were limiting in other respects. For instance, they prevented the use of observation and photographic data collection methods which might have enriched this study. They also limited the ability to reach less resourced participants given the prerequisite for data access and smart devices or at the very least a phone with which to communicate. The experiences of trans and gender diverse persons living under former

homelands could also not be adequately investigated given the time constraints and the difficulty in recruiting them in this study.

Thus, the opportunities for future study are related to the limitations outlined above. A study that utilizes other research instruments could build on this work by focusing on queer land use approaches in order to fully flesh out the degree to which a case can be made for a unique queer ecology within the South African context and on the African continent. Additionally, more on the experiences of trans and gender diverse persons remains unknown in former homelands which gaps could be filled with a study on the same.

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Appendices

Appendix 1.1: Participant information sheet

Dear Comrade,

My name is Shinta Jennifer Ayebazibwe, and I am a Master's student in Development Studies at the University of the Witwatersrand, Johannesburg. As part of my studies, I have to undertake a research project, and I am investigating the challenges and opportunities experienced by queer South Africans vis-a-vis the land question under the supervision of Dr Samuel Kariuki.

As part of this project, I would like to invite you to take part in an interview. The interview will take place on an online platform of your choosing such as Zoom, WhatsApp, and Skype or telephonically and will take about 45 minutes to an hour. With your permission, I would also like to audio record the interview using a phone/computer.

There will be no personal costs to you if you participate in this project with the exception of data costs. You will not receive any direct benefits from participation but there are no disadvantages or penalties if you do not choose to participate or if you withdraw from the study. You may withdraw at any time or not answer any question if you do not want to. The interview will be completely confidential as the information you give to me will be held securely and not disclosed to anyone else. I will be using a pseudonym (false name) to represent your participation in my final research report. If you experience any distress or discomfort at any point in this process, we will stop the interview or resume at another time.

If you have any questions during or afterwards about this research, feel free to contact me on the details listed below. This study will be written up as a research report which will be available online through the university library website. If you wish to receive a summary of this report, I will be happy to send it to you. The data collected from this research project will be stored securely on a password protected computer. With your permission, the data collected from this research project may be anonymously (using a pseudonym) used by other researchers. If you have any concerns or complaints regarding the ethical procedures of this study, you are welcome to contact my supervisor on the details below.

Yours sincerely,
Shinta Jennifer Ayebazibwe

Researcher:
Shinta Jennifer Ayebazibwe, 2378231@students.wits.ac.za, 078 885 2305

Appendix 1.2: Consent Form

Queerying The Land Debate: A Case for Inclusivity
Shinta Jennifer Ayebazibwe

I,…….. agree to participate in this research project. The research has been explained to me and I understand what my participation will involve. I agree to the following:

(Please tick the relevant options below).

I agree that my participation will remain confidential	☐
I agree that the interview will be audio recorded	☐
I agree that data collected may be used anonymously by other researchers	☐

…..

Signature:
Name of Participant:
Date:

Signature:
Name of Researcher:
Date:

Appendix 2: Interview Guide

1. Participant preferred pseudonym
2. Preferred pronoun
3. Participant gender identity and sexual orientation
4. Participant age range
5. Participant ethnicity/Race
6. Location of land - province/rural or urban?
7. What is your Employment status: full time employed, part time employed, self-employed, work from home?
8. Highest level of education attained: grade 10, matric, undergrad degree, postgrad?
9. For what purpose do you own land: farming, settlement, mixed use?
10. How long have you owned your property or had access to this land?
11. What circumstances led to this ownership/access?
12. How/why did you choose the location?
13. Did your sexuality or gender identity play any part in these circumstances?
14. Do you have formal recognition from the state/customary authority as the owner/designated user?
15. How did you go about getting this recognition?
16. How has your experience been doing what you do with regards to: support, stigma, entry into supply chains, access to production inputs, access to knowledge, skills, and financing?
17. Have you faced any challenges related to gender identity and/or expression in the process of acquiring this formal recognition?
18. Have you benefitted from any government land/housing related support?
19. How did you experience the nature of the support received?
20. Are you aware of other queer people doing what you do?
21. Do you know of any queer people who have received state land?
22. Do you know of any queer people who have received state support?
23. Are you involved in any organisations/movements focused on land access and land use issues?
24. How has your experience with these organisations/movements been?

25. Who would you like to pass the property on to in the event of your death?
26. Is your family/friends supportive of your choices in terms of how you utilize the land and who gets it after?
27. Have you received direct support with regards your ownership of this property?
28. Have experienced implicit/explicit discrimination with regards your ownership of this property?

Appendix 3: Call for participants poster

