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A GENDER ANALYSIS OF THE LAND REDISTRIBUTION FOR AGRICULTURAL DEVELOPMENT (LRAD) PROGRAMME: A CASE STUDY IN MPUMALANGA PROVINCE, SOUTH AFRICA

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ABSTRACT

After 1994, the South African government prioritized land reform as a strategy for development in order to redress the legacy of apartheid, while contributing to national reconciliation, growth and development. The government with endless persuasion from gender activists, non-governmental organizations (NGOs) and interested individuals acknowledged the crucial role that women could play in transforming its society. As a commitment to gender equity, it ratified various international conventions and national declarations, including in 1995, the United Nations on the Elimination of all forms of Discrimination against Women (CEDAW). Subsequently, a variety of institutions and gender divisions (units) in the country were established to advise, monitor and implement gender mainstreaming programs within government departments, NGOs and parliamentary structures. These include amongst othersthe Office of the Status on Women (OSW), The Commission on Gender Equality (CGE) and gender focal points.

In 1995, a delegation of South African women led by politicians participated in the Fourth World Conference on Women in Beijing. In response to this report, the Department of Land Affairs (DLA), together with other government departments, committed itself "to take legislative and administrative measures to give men and women equal rights to economic resources, including access to ownership and control over land and other properties, credit facilities, natural resources and appropriate supporting technology" (DLA, 1997:18). Despite these commitments, the South African government in general and the land sector in particular was criticised for contradicting its intentions. These were evident in policy development processes. An example widely documented was the controversies and compromises which were made by the ANC led government during the development of the *Communal Land Rights Act of 2004* (Walker, 2005; Hassim, 2005; Claassens 2003). In addition, the land policies, including the DLA Gender Policy, have been widely criticised by several researchers (Hall, 1996; Mann, 1999; Walker, 2002; Claassens, 2005). The common trend was the scepticism of whether these policies would achieve their intended gender equity goals. Amongst others, weaknesses of these polices were the poor conceptualisation of gender and the lack of clarity on the government's gender equity intentions and outcomes. These would make it difficult to translate policies into practice. This study investigates whether these assertions are valid.

The focus of the research is the analysis of the Land Redistribution for Agricultural Development (LRAD) Programme which was established in 2001. Using a project located in Mpumalanga Province, called the Mathebula Communal Property Association, the study evaluates the implementation of this programme. The project is located near Rock's Drift in the Mbombela Municipality about 6 kilometers from White River on the White River-Nelspruit road (R40). It is amongst the first projects to be administered by the provincial DLA, under the new LRAD programme. This property was used for chicken and small-scale pig farming. The location of the project is of significance because the Mpumalanga province is amongst the most rural poverty stricken provinces in South Africa with a population of approximately 3 million. According to May (2000: 22), about 45% of the individuals in this province are living in poverty. The study was undertaken during the pre-settlement stages. The main goal was to investigate the DLA commitment to its gender policy through a case study. In addition, it explores the relationship between the primary beneficiary, a rural woman named Aida and the DLA officials during the research period. This is a means to assess whether Aida was empowered through these processes, as per the LRAD policy statements. The study draws its theoretical basis from a Gender Analysis Approach. This analysis recognises in every context that it is relevant to determine the gender-based division of labour and to understand the forces that constrain this division or act to change it. This framework was useful in collecting data tool for this study. The study uses a case study methodology. This research strategy has been chosen because of its ability to offer an "in-depth analysis of a case so as to interpret its unique features and to solicit an understanding of the social arrangements and their existence" (Ragin, 2000:24). The case study approach has shown that without investigating the processes which occur within these projects, the real impact of land reform on the beneficiaries' lives is far from being realised.

The major findings of this research revealed that whilst South Africa has put in place several national legislative frameworks to address gender equity in general, women still struggle to access resources through government systems. Aida, the main driver of this project, experienced 4 years of insurmountable problems whilst trying to acquire a farm she had identified from a willing seller. The research revealed that Aida's determination to acquire the farm is attributable to her intellectual capabilities, negotiation skills and manipulative tactics, which is contrary to the dominant argument that factors affecting rural women's access to land are dependent on "educational level, age, social status of the family and marital status" (Moser, 1993; Bob, 1994)). In addition, the dynamics within projects

often not reflected in policies are very crucial in successful implementation of projects. For instance, in this project, the 'inactive' strategy of registered members reduced conflict within the project such that Aida became the sole owner of the project and was able to successfully acquire the farm without any interference from the other members.

Overall, a significant contribution of this case study to the SA women's empowerment theoretical framework is the identification of the external and internal factors, some of which were specific to gender empowerment failures. These include the challenges of targeting women, access to information, lack of accountability on gender as well as the absence of strong social movements. Lastly, the study also revealed unintended outcomes as a result of the lengthy period of the pre-land transfer stage, issues which are normally ignored and undocumented. Studies of land reform (and development) projects in Mpumalanga province and throughout SA have revealed similar findings as outlined through this document. These findings raise key questions that have broader implications for LRAD, and land reform program in general.

The study acknowledges that there are examples of women in Mpumalanga province and maybe in other parts of the country who may have had positive experiences through the same program. However, it also confirms findings by earlier studies done by different researchers and thus raises critical questions with regards to the implementation and sustainability of the LRAD projects in South Africa, specifically in the Mpumalanga Province.

Key Words: gender analysis; case study; family project; access; control; land redistribution; LRAD ; implementation processes; limitations , rural women; livelihood strategies; agency; HIV/AIDS and land reform; unintended outcomes; land reform; Mpumalanga Province; South Africa.

DECLARATION

I, **Nomvuselelo Cynthia Songelwa**, declare that this thesis is my own unaided work. It is submitted for the degree of Doctor of Philosophy at the University of Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination in any other university.

Signed at _____ on this _____ day of May 2009

_____

Nomvuselelo Cynthia Songelwa

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LIST OF SYMBOLS AND ACRONYMS

ACRONYMS	DESCRIPTION
CBO	Community Based Organization
CEDAW	Convention on the Elimination of Discrimination Against Women
CLaRA	*Communal Land Rights Act*
CGE	Commission on Gender Equality
CONTRALESA	Congress of Traditional Leaders of South Africa
CPA	Communal property Association
DoA	Department of Agriculture
DoH	Department of Housing
DG	Director General
DLA	Department of Land Affairs
ESTA	*Extension of Security of tenure Act*
FOA	Food Organization Agency
GAD	Gender and Development
IFP	International Fellowship Program
IPILRA	*Interim Protection of Informal land Rights Act*
LAPC	Land and Agriculture Policy Centre
LRAD	Land Redistribution for Agricultural Development
MMMPP	Mpumalanga Management and Mentorship Pilot Project
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organization
NLC	National Land Committee
OSW	Office of the Status on Women
PGDS	Provincial Growth and Development Strategy
PPAC	Provincial Project Approval Committee

PTO	Permission to Occupy
RDP	Reconstruction and Development
RWM	Rural Women's Movement
SA	South Africa (officially know as Republic of South Africa)
SLAG	Settlement/Land Acquisition Grant
TRAC-MP	The Rural Action Committee - Mpumalanga
UNDP	United Nations Development Program
WID	Women In Development
WBWS	Willing- Buyer Willing- Seller

CHAPTER ONE

Introduction

1.1 Background

At the dawn of the post-apartheid era in South Africa, various rural constituencies saw the light at the end of the tunnel. Amongst other priorities, the newly elected South African Government identified the land reform program as one of their growth and development strategy programs to redress the imbalances of the past government atrocities. Various researchers, NGOs and activists in the land sector, who had experienced and worked very closely with rural communities, mobilised rural people throughout the country to share their experiences with government authorities and policy makers in an attempt to reflect and document their practices in preparation for policy development processes. Amongst them, gender activists were at the forefront in ensuring that the voices and interests of the rural women were not ignored or marginalised.

These gatherings organised by a network of land rights NGOs, the National Land Committee (NLC), Centre for Rural Legal Studies (CRLS) etc, and a subsequent conference in Bloemfontein, gave birth to the Rural People's Charter, in which some key demands for rural women were represented. Prior to these activities, the rural and development NGOs e.g. the then Traansvaal Rural Action Committee (TRAC), had been very active in mobilising rural women and formed a Rural Women's Movement (RWM) which challenged local government structures to include women's interests in government processes. It became clear from these deliberations that there was 'social differentiation within communities, differences among women and men, as well as differences among women' (NLC, 1998: 13). In addition, the position papers by civil society representatives presented at the National Land Conference in Durban in 2001, provided an account of these ongoing debates in the Southern region of Africa. Of particular importance, organisations engaged in land reform in South Africa, including the Department of Land Affairs (DLA), reached an agreement that 'Land Reform Policy, and land reform projects and processes pursued within and outside government land reform framework, largely fail to recognise

and respond to different experiences, needs and interests of men and women, and hence, bring limited benefits to poor rural women' (Cross and Hornby, 2002: 3).

This chapter introduces the justification for undertaking the research. The focus of this chapter particularly provides a background for the development of the Land Redistribution Program for Agricultural Development (LRAD), developed in 2001, which underpins the implementation of the project under study. The discussions therefore are limited to the development of the land policies and programmes in South Africa after 1994. Specifically, LRAD's policy imperatives, and the challenges of implementation since its inception have been highlighted. Underpinning this research is the gender perspective. The chapter ends by summarising the outline of chapters as laid out in this thesis.

1.1.1 The 1994 Constitution

Following the negotiations that led to the democratic governance of South Africa, the Constitution of the Republic of South Africa, which is the highest law of the country, was developed to guide and provide basic principles of such governance. In developing policies, respective government departments consult the Constitution to ensure that their mandatory obligations contribute to the national aims. In that respect, DLA's legal mandate became 'to provide access to land and to extend rights in land, with particular emphasis on the previously disadvantaged communities, within a well-planned environment' (DLA, 2005a: 21). *Section 25* in particular, prescribes the legislative mandate of the department. It specifically states that government should 'legally secure tenure or comparable redress to persons or communities whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices'(ibid). DLA hereafter developed a suite of policies to carry out its mandate.

Several Constitutional issues, coupled with political struggles, influenced the development of Land Policy. These include:

(i) The allocation of powers and responsibilities to national and provincial governments to implement land reform and administer state land;

(ii) The state to guarantee existing property rights by providing redress to the dispossessed as a result of past discriminatory practices;

(iii) Promoting security of tenure and equitable access to land;

(iv) Control the survey and deeds registration of parcels of land by the state;

(v) Protection of existing property rights and;

(vi) The elimination of discriminatory practices and laws for women's access to land (DLA, 1997:15-17).

Some commentators have however noted that the balance of these Constitutional imperatives is controversial. As (Meer, 1999:77) succinctly points out, this controversy in intent of the policy objectives is reflected in the balancing act that government policy tries to achieve — for example "with reconstruction and reconciliation going hand-in-hand with overall policy, with the country's constitution making provision for land reform while entrenching existing property rights, and guaranteeing gender equality while simultaneously safeguarding traditional and customary practices which infringe such rights".

The development of the Constitution sparked some controversy, particularly in relation to the protection of women's rights (Mann, 2000; Walker, 2002). The perception was that the dominant views of the traditional leaders were against commitment to gender equality, since they "repeatedly and provocatively insisted that women [were] not equal to men" (Mann, 2000:8). This was mainly attributed to the cultural practices and customary law, especially under the jurisdiction of traditional leader, which disadvantage women.

Owing to the above scenario, a lobby group consisting largely of black women and supported by the Rural Women's Movement represented the voices of women in these debates. Representatives of women contested vesting of the land administration in the hands of traditional leadership; they gave accounts of how traditional leaders were not helpful in protecting women's rights in cases where women were evicted by their husbands or husbands' families (Claassens, 2005:21). Following lengthy discussions and grassroots lobbying and advocacy, the Constitution ultimately protected both the existence of traditional authorities and gender equality (For further reading see Chapters 9 and 12 of the Constitution). Nevertheless, in general, the South African Constitution compared to other Southern African Constitutions is more specific in addressing the equality clauses and is thus regarded as the most progressive (See Appendix 1.1).

However, some researchers have noted the challenges brought by the Constitution's negotiated compromises. Mann (2000:8) contends that whilst the Constitution achieved a great deal in terms of protection of rights, it did not "provide clarity on which rights prevail in cases where there is conflict". More specifically, some researchers perceived that during the Constitutional negotiations, the issue of the 'land question' was downgraded by the leadership of the ANC as they shifted from advancing issues of the liberation struggle (of which the land question was prominent) towards "fashioning substantive economic policies" (Walker, 2005:812). Walker points out that Zola Skweyiya, the Chair of the ANC Constitutional Committee, had alluded to the question of land reform as early as in the 1980s -well before the actual negotiations took place. It was these 1994 negotiations of the constitution which gave birth to a variety of development programmes in South Africa, including the land reform programmes.

1.2 Land Reform Programmes

After 1994, the elected government through the Ministry of Land Affairs planned legislation and began to implement a complex package of land reform measures. The Department of Land Affairs (DLA) initially focused the land reform programme on redressing the apartheid legacy of land dispossession, the alleviation of poverty and the improvement of household welfare. The Department of Land Affairs' challenge was not to change its focus from its apartheid era mandate, but to employ a representative (of the demographics of the country) staff that would be seen to be delivering and identifying with the target groups. The first two years were dedicated to policy development and capacity building. The result was the slow start in delivery in all the land reform programmes. According to the DLA's Summit Report, overall, "the Land Reform Programme was characterised by two distinct phases of delivery" (DLA, 2005a: 24). From 1994 to 1998, the focus was on designing the policy framework and piloting the Land Reform Programme, and from 1995 to 2005, was the implementation stage which resulted in a "significant shift in the nature of land and agrarian policy" (ibid).

Land policy in South Africa was developed over a period of two years following "extensive public consultative processes" (DLA, 1997:1) based on the guidelines and principles provided by the Reconstruction and Development Programme (RDP). The policy's main objectives were to address:

(a) The injustices of racially-based land dispossession of the past;

(b) Equitable distribution of land ownership;

(c) Reduce poverty and contribute to economic growth;

(d) Security of tenure for all and

(e) A system of land management which supports sustainable land use patterns and rapid land release for development (ibid: 7).

The policy and its subsequent land reform programmes were developed as a means to contribute to national reconciliation and stability, as well as equitable and sustainable growth and development.

Gender equity is one of the principles guiding the development of the land reform programme, where "priority [is] given to women applicants" (ibid: 12). The policy acknowledges that "discriminatory customary and social practices" (ibid: 17) largely contributed to women's inability to access and hold rights to land. Specific issues identified which underpin this discrimination were legal restrictions, financial services and access to political and economic power. The intention of government through this policy was to develop 'strategies and procedures' which will enable 'women to participate fully in the planning and implementation of land reform projects', including a focus on 'women's interests and concerns' (ibid). To adhere to its promises on gender equality, the DLA undertook to put in place several mechanisms in all land reform programmes. These included the following:

(i) The removal of all legal restrictions on the participation by women in land reform namely: the reform of marriage, inheritance and customary laws that favour men and yet constrain women from realising their rights to land;

(ii) Clear mechanisms: project planning, beneficiary selection and project appraisal to ensure equitable benefit from the programme for women and men. DLA will promote use of participatory methodologies in project identification and planning. Planners and facilitators will be required to assist women in the communities with which they work to identify their priorities and act on them;

(iii) Specific provisions for women to enable them to access financial support services. Policy and mechanisms that will enable women to gain access to opportunities in agriculture production will be developed;

(iv) Specific mechanisms to provide security of tenure for women, including the registration of assets gained through land reform naming women as direct beneficiaries;

(v) Training in gender awareness and participatory gender planning for all officials and organisations involved in implementing the land reform programme;

(vi) Develop a partnership with Non-governmental organizations (NGOs) and Community based organizations (CBOs) who are often a key source of support to women;

(vii) Ensure that those involved in land reform are equipped to undertake a gender analysis which involves systematically examining the roles, relations and processes with a focus on power imbalances and accesses to resources;

(viii) Ensuring that the monitoring and evaluation system for the land reform programme provides the information necessary to monitor women's participation (DLA, 1997:47-8).

From the above, it could be argued that the Land Policy acknowledges women's position in society as disadvantaged in terms of access to political and economic power. It identifies that men dominate leadership positions. These domineering actions have been justified by some men as being customary. The overall policy framework on gender and land in South Africa is further discussed in Chapter Three.

It is important to note that in South Africa, there are several land-related legislations implemented by different government departments and agencies. These include the Department of Environmental Affairs and Tourism (DEAT), Department of Local Government (DLG), Department of Mineral Energy (DME), Department of Water Affairs and Forestry (DWAF), Department of Housing (DoH), National Development Agency (NDA), South African Heritage Resource Agency (SAHRA) and others. Whilst several pieces of legislation were developed from which DLA derives its mandate, and which are also applicable to other government agencies and departments, Appendix 1.2., outlines

those implemented and developed by DLA. The discussion of each of these laws is beyond the scope of this study.

The section that follows introduces three types of land reform programmes in South Africa, designed to complement each other as a rural development strategy.

1.2.1 The Land Tenure Reform

Tenure reform programme was designed to provide security to all South Africans; it includes legal recognition and formalisation of communal land rights in rural areas and strengthens the rights of tenants in white-owned farms. This was followed by the enactment of several complex pieces of legislation which would ensure effective protection of rights of the target beneficiaries. These include:

(i) The *Land Reform (Labour Tenant) Act 3 of 1996*, for labour tenants on privately-owned land, mostly concentrated in Kwazulu Natal and Mpumalanga;

(ii) The *Interim Protection of Informal Land rights (IPILRA) Act 31 of 1996*, for people occupying land without any formal documentation;

(iii) *The Extension of Security of Tenure Act of 62 of 1997* (ESTA) for protection against eviction of farm dwellers by private owners aims to give occupiers rights to their own land, either on the farm or off it, through the Government Housing Subsidy Programme or through grants under the Land Reform Policy. It also gives occupancy rights to former or current farm workers resident on land acquired by the SADT or available for acquisition for land reform purposes.

(iv) The *Transformation of Certain Rural Areas Act 94 of 1998* which deals with 'coloured' reserves-

(v) The *Communal Land Rights Act of 2004* which deals with management and administration of land in rural communal areas.

The development of the various legislation had serious implications for women. According to the definition of a labour tenant in the *Labour Tenants Act of 1996*, a labour tenant is only an employee providing labour in a private property and their families have no

independent rights to land. This means that if a male partner (husband) is evicted from a farm, women cannot claim rights. According to Weidemann (2005:373), there are very few women who have access to full time employment in South Africa, except in the Western Cape Province. Most women are employed as casual and seasonal workers and earn '75% less than male counterparts' (Marcus in Weidemann 2005). Women who are farm workers and labour tenants are mostly dependent on their men, as their tenure security depends on their employment contracts with the employers. In addition, these women do not have access to other resources such as child and health care.

Secondly, the position of women in communal rural areas changed over time due to the distortion of customary law by colonialists. Women lost their land rights and were dependent on their relations with men (brothers, fathers, sons or husbands) to access land. The prevalence of traditional practices through patriarchal systems of land allocation and administration in rural areas has been identified as major hindrance to women's access to land. As a result, traditional leaders have been viewed by some researchers as oppressive to women (Cross and Hornby 2002; Weidemann 2005). In addition, "women are disadvantaged by social assumptions and informal land practices which are not controlled by law" Cross and Friedmann (1997:17). This means that without the change of patriarchal systems and power relations in rural societies, women will remain vulnerable under tenure systems. The enactment of *the Communal Land Rights Act of 2004,* which entrenches the role of traditional authorities in land allocation and administration, does not seem to be changing the status quo (Claassen, 2007). Claassen further claims that, if the implementation of this law is not closely monitored, it is highly possible that "the old order" will prevail in years to come (ibid).

With regard to securing the tenure rights of farm dwellers and farm workers, the *Extension of Security of Tenure Act (ESTA) of 1997* and the *Land Reform (Labour Tenants) Act*, were seen by land sector NGOs to be promoting evictions and dispossessions by white farmers. In fact, these laws are even ignored and highly contested by white farmers, and the justice system often rules in their favour. Some commentators claim that about 1 million farm dwellers or about 200, 000 households were evicted between 1994 and 2004 (Van der Brink, 2005:28). However, the statistics provided by DLA mentioned that there has been much progress over the years and about 1 800 households have benefited from ESTA (DLA, 2005). For instance, by year 2004/5 there was intervention in about 940 cases

throughout the country with about 133 court referrals exceeding the annual target of 765 and 46 respectively (DLA, 2005b:64).

1.2.2 The Land Restitution Program

The Restitution programme was designed to restore land ownership (or provide compensation) to those who were forcefully removed or dispossessed of their land without compensation by racially discriminatory practices after 1913. The legal basis for restitution was provided by the *1993 'interim' Constitution, Section 25 (7) of the 1996 Constitution, and the Restitution of Land Rights Act, 1994 (as amended in 1997)*. This Act established a Commission on the Restitution of Land Rights under a Chief Land Claims Commissioner and Regional Commissioners. This Commission was established as semi-autonomous from DLA, but receive funds, support and policy direction from the department. A separate court (the Land Claims Court) was also established to deal with land related matters.

What are the implications for women under this program? Weidemann (2005) identifiesd four factors which affect women. These include:

i. The neglect of women's particular experience of dispossession;
ii. The rights-based nature of the programme;
iii. The absence of appropriate procedures and methodologies, and
iv. The lack of the programme's emphasis on gender.

With regards to the restitution programme, the progress of delivery was generally very slow nationally up until 2001 even though the first land-related law enacted in 1994 was the Restitution of Land Rights Act. Walker (2004) is cautious whether the final land transfer through this program, namely, the settled claims and the redress promised for the victims, would ever materialise.This is attributed to the fact that, firstly, the target date for the settlement of all claims was shifted from 2005 to March 2008 due to the complex challenges in processes of settlement of claims, which the implementing agencies encountered. Secondly, there was uncertainty with regards to the official numbers of lodged claims and settled claims. Walker (2005) confirmed that "by March 2005, 854 444 hectares were recorded as transferred (both rural and urban), and about 7 803 rural claims were to be settled at that time" (ibid: 136)

There is generally conflicting information from different sources concerning the numbers of claims settled. Whilst some claim there were 28 claims resolved between 1994 and 1998, others claim there were 31 (Hlatshwayo, 2000:3; Lahiff, 2001:3). To illustrate the slow start of the resolution of claims, Halls and Williams (2001) claim that after the first three years of restitution, less than ten of the claims lodged had been settled. By mid 2000, almost 4,000 claims had been resolved. However, the pace increased significantly over the years, so that by 2001, about 18% of the total claims (12 314) were resolved and a total of 302 000 had been restored (Lahiff, 2001). Over half of the money (R506 million) spent for the programme at this time was for financial compensation. DLA statistics reveal that each year the department "attains a higher level of delivery" (DLA, 2005b:17). For instance, the number of claims settled nationally by the financial year 2004/5 was 59, 345 compared to 48, 825 of the previous year (ibid). In the financial year 2007/8, a total of 330 rural claims were settled nationally (DLA, 2008: 58). By 2003, "only about 3% of total agricultural land" (Van der Brink, 2005:28) had been restored. The most resolved cases tended to be urban rather than rural, because most of the claims (about 72%) lodged were by families forcibly removed as a result of the *Group Areas Act*. The remainder of claims lodged were from groups or communities in rural areas (Lahiff, 2001:3). The Department of Land Affairs (DLA) reported that by March 2008, there were 74 747 claims settled (DLA. 2008:59). A total of 2 078 385 hectares were delivered through this program since 1994 and about 285 305 households, consisting of 1 415 192 beneficiaries benefited from the programme (DLA, 2008:59).

Some of the problems emerging from the settlement of the restitution claims were attributed to the complex history of dispossession and the conflicting interests among the beneficiaries on whether to return to land or settle for financial compensation. Some of the challenges faced are similar to the Land Reform Programme in general. These include "inadequate infrastructural development, poor service provision and unrealistic business plans" (Lahiff, 2001:4). Further, Lahiff identifies the 'costs' as another serious challenge for the programme. As it is sometimes impossible to settle people on their claimed land, financial compensation becomes another alternative option. At the same time, for those who would rather settle on alternative land, the state has to purchase this land, which can be costly. For instance, in 2001, individual claim costs ranged between R1 million to R1.5 million (ibid). With escalating land costs, this amount could be estimated to double after 6

years. At this rate he claimed, it would take the next 150 years for the remaining cases to be resolved if the budget allocation remained static.

1.2.3 The Land Redistribution Program

The goal of the Land Redistribution Program was informed by the Reconstruction and Development Programme (RDP) in 1994, which was later translated into the White Paper of South African Land Policy to provide the disadvantaged and the poor (the landless, labour tenants, farm workers and emerging farmers, and women) with access to land for residential and productive purposes, to improve livelihoods and the quality of life (DLA, 1997). The primary objective was to solve the problem of landlessness in the country through the equitable distribution of land, which would in turn contribute towards national reconciliation and stability, enhance household income security, employment and economic growth so as to improve conditions of settlement in rural and urban areas and reduce land related disputes. The Land Redistribution Programme was conceived as a means to "effect a social and economic transformation of society through a range of measures, including the transfer of property rights from whites to blacks, which would result in a significant improvement in the economic status of the rural poor" (Cross and Hornby, 2002:52). James (2008:164) notes, "if restitution was turning out to be a backward-looking enterprise, redistribution appeared to promise new, perhaps liberatory, ideals of community based on an orientation to future". This means that while restitution was about claiming back land which people had been dispossed, redistribution was about redistributing available land for future use.

Since 1997, the redistribution program was characterised by the Settlement/Land Acquisition Grant (SLAG) which comprised of three different sub-programmes that were designed to make land available to people for:

(i) Agricultural purposes;

(ii) For settlement purposes and;

(iii) For non-agricultural enterprises, e.g. ecotourism projects (DLA,1997: 38).

People married under civil or customary law, cohabiting with another person or having financial dependants were eligible for a financial grant of R15, 000 (later R16, 000), together with planning, facilitation and capacity building grants. The planning, facilitation and capacity building grant was a maximum of 9 percent of anticipated project costs. The grant was a flexible instrument that allowed for a range of redistributive projects to be supported, including the purchase by farm workers of equity in farming enterprises ('share equity schemes'). A grant for municipal commonage enabled local authorities to acquire land or extend commonage for use by poor and disadvantaged residents. In this phase, the programme targeted poor households as beneficiaries of group projects in which the transfer of land ownership was the primary objective. The rationale behind the development of the programme was based on the historically unequal distribution of land aimed at preventing conflict whilst promoting equity, economic growth, jobs and poverty reduction. Other commentators continued to question the commitment of Government to these goals as a result of the 'controversy' of policy imperatives which led to its poor performance during the first five years (Aliber, 2003; Van der Brink, et.al., 2005; 58). Further legal basis for redistribution was provided by the *Provision of Certain Land for Settlement Act of 1993, amended in 1998* now called *Provision of Land and Assistance Act 126 of 1993*. This amendment specifically categorized people who could be assisted in redistribution as 'persons who have no land, or who have limited access to land and who wish to gain access to land or additional land' and persons wanting to upgrade their tenure.

In terms of gender equity commitments, the SLAG Policy has its own flaws. It was criticized as early as its policy consultation processes in which institutions such as the African Gender Institute (AGI) were prominent in representing the voices of the women. The AGI report offered four main critiques of this policy as:

(i) The conflation of gender and women does not enable a proper analysis of gender relations or the differences between women. The special category of women did not recognize them as farm workers, the poor and the landless. Their relationships with men who are in these categories was not recognised;

(ii) The legalistic approach to eradicate gender discrimination was deemed problematic because gender and power relations are not only shaped by law;

(iii) The household as a beneficiary unit was identified as limiting factor as the gendered allocation of resources and other difficulties experienced by women in these institutions were not acknowledged;

(iv) The impact of customary law and practice on gender equality was not considered in the policy (AGI, 1996: 2-9);

(v) Women were not targeted as a special beneficiary group for independent land rights, "but became invisible members of the households" (Cross and Hornby, 2002:56).

Land redistribution was generally faced with challenges of transforming land ownership whilst improving the livelihoods of rural dwellers. Although black people made some relative gains through this system in that the government provided conditions for them to acquire land, making a significant impact remained a challenge. Some researchers noted that it was difficult to get verified facts from DLA on the specific data of the various sub-programmes of land redistribution in the first few years of implementation, with sometimes conflicting data reported in official documents (Jacobs et.al, 2003:6; Hall, 2005:5).

The SLAG programme had achieved less than expected and preceded at a slow pace between 1994 and 1999. By 1999, the assessment of the program by civil society was deemed to have had little impact on rural women. The NLC reported that about 7, 331 out 50, 152 beneficiary households were female headed by 1999 (NLC, undated). This was estimated to be about 14 percent of the overall beneficiaries in 2000. Unfortunately, by this time the figures that were provided by the Quality of Life study were deemed unreliable (Walker, 2003). A major factor attributed to this 'little benefit' was the fact that the SLAG allocated land to the household-heads, further marginalizing women within those households. May (2000) revealed that after the first three years of operation, about 200, 000 hectares of land have been transferred to about 20, 000 households, which represented 0.6% of the target and 0.2 % of the households demanding land. Hence the initial target of transferring 30% of the land within 5 years was not met (Hlatshwayo, 2002). Similar to other programmes, there was no gender breakdown of data reflected on official documents. Appendix 1.3 indicates the pace of land transferred over 5 years in South Africa.

The SLAG program was suspended based on the following:

(i) There was limited involvement of the Department of Agriculture before, during and after project approval to support agricultural production;

(ii) The large groups could not leverage income generation through their projects;

(iii) Difficulty in screening of applicants, and

(iv) Targeting poor beneficiaries did not accommodate emerging commercial farmers (Van der Brink, et.al. (2006:35).

Thus SLAG major limitations were based on the 'weaknesses in implementation and the quality of group projects created' Wegerif, 2004: 11). Basically the SLAG was accepted as unworkable as demonstrated by many projects, such as the Sizanani project in Mpumalanga (James, 2008: 164-8). These projects were typified by a number of beneficiaries who pooled their government grants together to purchase white farm land. This phenomenon became widely known as 'the rent-a-crowd syndrome; it was the result of the high prices of land against the small government grant offered to household under this program. Resultant problems amongst others included members' lack of experience of commercial agriculture, finance or business, reluctance of beneficiaries to relinquish their labourer status and take ownership of the farm. As a result of these difficulties, the then new Minister of Land Affairs and Agriculture, Thoko Didiza, announced a 'sweeping review of land reform policy and programmes, including a moratorium on new redistribution projects' in 1999 (Jacobs et. al., 2003:4).

After the moratorium announced by the Minister, there was a lengthy period of debate and review which caused some confusion among officials and beneficiaries at grassroots level. For instance, the provincial offices could not register new projects pending the upliftment of the moratorium. In Mpumalanga province, this also had negative impact on communities as projects approved the previous financial year could not be financed in 2001 until the launch of the new programme (Malgas, Interview April, 2006). The review took almost a year and a half and the new Land Redistribution for Agricultural Development, (later referred to as LRAD) was ultimately launched in August 2001. Since this study focuses on this program, there is need to describe this program in detail.

1.2.4 The Land Redistribution for Agricultural Development Program

LRAD planning was framed to avoid the problems experienced in many of the DLA's earlier projects. Its key objectives were "to overcome the legacy of past racial and gender discrimination in ownership of farm land, empower beneficiaries to improve their economic and social well being, enable those presently accessing agricultural land in communal areas to make better productive use of their land and to promote environmental sustainability of land and other natural resources" (DLA, 2001:3). It was intended to incorporate options for emerging small and medium scale commercial African farmers. The 'new' programme would incorporate options for emerging small and medium scale commercial African farmers, food safety net grants for the rural poor, settlement grants for both urban and rural poor to access land for settlement, and a revised commonage grant that would be available to both municipalities and tribal authorities.

Furthermore, this programme was designed to provide grant finance with a requirement of an own contribution to be matched against a linked government contribution on a matching sliding scale basis to the candidate farmers (DLA, 2001: 7). This own contribution from a poor candidate could be future labour, cash or in-kind commitments involving household assets or equipment aimed at commercial production. The amount that could be accessed by an individual was between R20 000 to R100 000. LRAD grants allow for land, infrastructure, improvements or inputs. South African citizens eligible for the grant are men and women of the designated previously disadvantaged groups (Africans, Coloureds, and Indians), who use the grant to purchase or lease land for agricultural purposes.

The grant can thus be used to achieve various objectives such as:

(i) Food safety-net projects which allow poor families to acquire land for food, crop and/or livestock production on small household gardens to improve food security;

(ii) Equity schemes – to accomodate those actively and directly engaged in agriculture to purchase equity in an agricultural enterprise as co-owners;

(iii) Production for markets – aimed for those with greater farming experience to purchase a farm for commercial activities, and

(iv) For agriculture in communal areas to make productive use of communal land (Cross and Hornby, 2002: 66).

Emphasis was also placed on transparent and accountable management, with the use of measurable indicators of success. Implementers were therefore expected to sign performance contracts and partnership agreements. The DLA also relied on strategic partners, particularly the Land Bank, which is the main partner in dealing with the assessment of candidates applying for higher levels of finance. Targeting agricultural production specifically, LRAD intended to speed up delivery, and has re-formulated the unmet 1994 RDP goal of redistributing 30% of South Africa's farmland within five years. It then aimed to achieve the set goal within the next 15 years, that is, 2009 (DLA, 2001: 3).

Appendix 1.4 best compares the evolution of the redistribution programme from SLAG to LRAD. The old SLAG program which focused on poverty alleviation and settlement acquisition of land targeting poor households shifted to a new program which focused on black economic empowerment and commercial agriculture targeting emerging black farmers. In essence, the programme shifted its focus from women and poor people to black commercial farmers. Walker (2005:302) observes, "race, and historical disadvantage, rather than poverty or need (or gender), became the key criteria for beneficiary selection". For the LRAD program the grant amount had improved from R16, 000 to R20, 000 with potential of getting funds from other financing institutions such as the Land Bank. The grant was on a sliding scale depending on the amount of own contribution. While the SLAG was applicable to both the redistribution and tenure reform programmes, the LRAD was only applicable to the redistribution programme. In addition, there were specific commitments to gender equity outlined in the policy document. The programme's goals are:

(i) Economic independence for rural women;

(ii) Women candidates and women-only projects are encouraged to apply for grants, and

(iii) A minimum of one third of the LRAD transfers of land to women (DLA, 2001:3).

The LRAD programme was instantly criticised for its bias in favour of those who have their own resources or the capacity to enter the market at the expense of the poor and landless, because it requires an own contribution of minimum R5 000(cash or labour). In contrast, the old redistribution programme accepted people earning less than R1 500 per month. It has thus been seen to benefit "a small core of well-resourced individuals" who can qualify

for loans provided by the Land Bank (Greenberg, 2002:29; Cousins, 2000), Lawrence and Mayson (2002:14)). In addition, The National Land Committee estimated that some 5% of the rural population was destitute, with no prospect of livelihood security. A further 15% was highly vulnerable to falling into this position. These two groups (20% of the rural population) would be excluded from the potential benefits of a land reform programme that requires any form of monetary 'own contribution' to qualify as a participant in the programme. Together with other rural sector organisations, the NLC argued that the programme further excludes the poor in that it "fails to recognise the combination of multiple livelihood strategies which form the actual economic practices of rural poor as it demands the direct involvement of the beneficiaries to agricultural activities only" (Hlatshwayo, 2002:4; Van der Brink et.al., 2006). Thus the policy ignored the triple role of women as discussed in Chapter 2. These criticisms implied that poor people's realities have not been recognised through the development of this policy.

In general, the policy was perceived to have not addressed the fundamental limitation of the previous redistribution programme with its protection of the constitutional private property clause, and still leaves primary land in the hands of the white farmers. Although Aliber (2003:7) acknowledges that LRAD corrects some of the problems of the old redistribution programme, he claims that it does however introduce new ones. He identified its most basic flaw as "the underlying assumption that commercially viable land redistribution projects can make a meaningful contribution to rural development". Among others, its major shortfall, according to Aliber and Mokoena (2002:5), was that "of the major changes to the LRAD initiative, none is directed at the manner in which the land market is reliant upon…the simplicity of the willing-buyer/willing-seller approach remains entirely intact". Appendix 1.5 presents a list (not exhaustive) of LRAD's policy limitations.

Lets now look at the LRAD performance.

1.2.4.1 Progress on LRAD

With regards to delivery, LRAD has been the flagship programme of DLA since its inception. Official documents claim that DLA's significant high performance in the delivery of hectares in later years has been brought about through the LRAD programme (DLA, 2005a, b). This is attributed to the decentralised provincial approval system. Jacobs et. al., (2003:7) reported that within almost a year, (by June 2002), about 125 000 hectares

had been transferred through this programme. According to DLA (2005: 24), in total, by 2005, the programme had delivered just over 436 00 hectares through 1 153 projects to 23 000 beneficiaries. The municipal commonage programme contributed to more than a third of total hectares delivered (about 519 000 ha). Whilst the programme (like all land reform programmes) is still viewed as "budget constrained', it is reported to have had some gains and to have benefited the poor, with 'women and youth actively participating in the programme" (May, 2003; DLA, 2005b; Van der Brink etal, 2006). However, specific data indicating these beneficiaries was not provided. Their analysis was only based on the number of grants approved, which reveal that most people who benefited from LRAD between 2001 and 2003 (about 7, 000 beneficiaries) were the ones who contributed the minimum own equity (R5, 000 — R10, 000), which implied the poor people. Without the provision of the profile of beneficiaries, it was not clear how women and youth benefited from the programme.

Whilst the pace of delivery of the LRAD programme was commendable, taking into account the relatively 'smaller numbers of beneficiaries per project and less hectares per project' compared to SLAG, it must be noted that the accounting of DLA in terms of the quality of projects and its impact on livelihoods was questionable. Evidence from the ground revealed that the projects delivered through LRAD were no different from those delivered through other land reform programmes. This study in particular, together with the LRAD pilot projects chosen by TRAC-MP through its Mentorship Programme between 2003 and 2005 (to be introduced in Chapter Six), reflect a number of problems, flaws and limitations in the implementation processes of LRAD projects, which have wider policy implications as will be discussed in Chapters Six and Seven. Whilst DLA seems to be optimistic about hectarage delivery and meeting its target by year 2015, it is not known how many of these projects will survive the test of time, as some of them are on the verge of liquidation and in dire stress. If the current status remains, without any strategies to revive old projects and actively support future LRAD projects with a sense of urgency, the perceived 'high performance' by DLA could leave the beneficiaries more distressed than they were before.

The general concerns about LRAD discussed above, raise not only issues of women's access to the programme, but also inherent questions of how the programme will change the quality of lives of those women who do access the programme. This study investigated the

processes of implementation of this program so as to gain insight on the dynamics of such processes based on the experiences of a rural woman, Aida. The gender limitations of this policy are addressed in Section 3.4.

1.3 Rationale and Objectives of the Study

The initiation of the research started as personal inspiration from a book by Robert Chambers (1997) "*Whose reality counts*?" and my professional experience within transformation units of various organisations (both at policy and implementation level). This sowed a seed in me to question the political agenda of the transformation processes in South Africa, in particular with regard to community development programmes or interventions. In this country and elsewhere, those whose interests have been focused on the social impacts of development policies and those who have worked directly with rural societies, have been drawing attention to the widening gap between policy development and implementation processes (Walker, 2002, 2005). They have been consistently concerned with the development of policies by 'outsiders' at the expense and exploitation of the 'targeted communities', in the name of "transforming and empowering underdeveloped and poor societies" (Chambers, 1997).

The position papers presented by civil society representatives at the National Land Conference in Durban in 2001 are an account of these ongoing debates in the Southern region of Africa. Of particular importance, organisations engaged in land reform in South Africa, including the DLA, reached an agreement during these deliberations that "land reform policy, and land reform projects and processes pursued within and outside the government land reform framework, largely fail to recognise and to respond to different experiences, needs and interests of men and women, and hence, bring limited benefits to poor rural women" (Cross and Hornby 2002: 3).

The previous DLA monitoring and evaluation systems in South Africa, which measured the quality of life of the land reform beneficiaries were basically national surveys commissioned by government to investigate the impact of the Land Reform Programme through participation and benefits accrued by beneficiaries (Mann, 2000, 2002).

The research presents a case study of a land reform project in Mpumalanga province of South Africa. As discussed in Chapter Four, the leader of this project is a middle aged rural

woman called Aida who mobilised her family members to acquire about 8 hectares (ha) of land through the Land Redistribution for Agricultural Development (LRAD) Program, as early as its introduction. The project was registered as the Mathebula Communal Property Association (CPA) and is located near Rock's Drift in the Mbombela Municipality, about 6 kilometres from White River on the White River/ Nelspruit road (R40). It was amongst the first projects to be administered by the provincial DLA under the LRAD programme.

This property was used for chicken and small-scale pig farming. The location of the project is of significance because the Mpumalanga province is amongst the most rural and poverty stricken provinces in South Africa with a population of approximately 3 million. According to May (2000: 22), about 45% of the individuals in this province are living in poverty. It is also amongst the provinces in which traditional practices, such as polygamy, are highly entrenched. The study addresses the following questions:

(a) How this LRAD project was implemented (project phases)?

(b) What roles were played by the different institutions to (dis)empower this particular woman during this process?

(c) What factors contributed to the delay in securing land for the Mathebula family?

(d) What strategies did Aida use to persevere in acquiring the land?

The methodology chosen for this research is a case study. Whereas the tendency of monitoring programmes is often geared at macro-level by identifying policy gaps and surveys of quantitative analysis, the benefit of this methodology provides the ability to offer an "in-depth analysis of a case so as to interpret its unique features and to solicit an understanding of the social arrangements and their existence" (Ragin, 2000:24). With the growing evidence gleaned from agricultural project and programme evaluations that insufficient attention is being paid to gender issues, and that there is a tendency 'to reinforce gender inequities', I chose a gender-focused research of land reform for several reasons (CGIAR, 1986:1) that include:

a) Understanding how gender has been conceptualised in policy development in South Africa,

b). Evaluating how the gender equity goal, as reflected in the land reform policies has been into action though the planned land reform project and

c) Investigating the commitment of DLA to its gender policy.

This study documented the experiences of a woman who is the chairperson and the key driver of this project. Further, the analysis of the data was informed by the theoretical framework discussed in Chapter Two. The analysis of this study attempts to broaden knowledge on the implementation of the LRAD programme by investigating the dynamics within the Mathebula project discussed in Chapter Four. The focus of this research raises both policy and implementation issues of how 'gender' has been understood in the LRAD Policy and how it was 'operationalised' to ensure equitable distribution of resources.

1.5 Chapter Outline

Chapter One sets the scene for the research agenda. The chapter forms an introductory chapter to the research undertaken for this study. As stated, above the main objective of this research is to analyse the implementation of the latest South African land redistribution programme, LRAD, by using a case study in Mpumalanga Province. While some national surveys have been conducted to determine the impact of land reform projects within communities, the studies have particularly neglected the impact on women in general, hence the initiation of this study. Therefore, this chapter outlines the justification for undertaking the study. A gender-focused research of land reform has been chosen as the focus of this study.

Chapter Two provides the theoretical framework that informed the development of the research. This chapter reviews the gender aspects of land with particular focus on women's access to land and factors which affect women's access to land. Several research studies have looked at gendering the land question from different perspectives. While others advocated the enhancement of women's autonomy in land ownership, others argued for a more holistic approach of looking at land as a contestation of social relations (Agarwal, 1994; Kabeer, 1992; Walker, 2003, 2005; Jackson, 2003). A body of literature reviewed has revealed factors which are obstructive to women's access to land 'as partly legal, social, political and administrative' (Jackson, 2003). Others in South Africa identified various gaps ranging from policy development, monitoring and implementation, which led to the unsuccessful gender agenda not being realised by both government and civil society in land reform (Hall, 1998; Hargreaves and Meer, 2000; Walker, 1998; Cousins and Hornby, 2000;

Cross and Hornby, 2002). As a result, these people have argued that gender is not the priority in land reform delivery.

Chapter Three provides the contextual framework for the policy shift of land reform in South Africa; it traces how gender transformation has been positioned in these debates. A crucial gap that has been identified in previous research and policy development processes is that the voices of rural women continued to be left out in policy debates and negotiations regarding land reform, with land rights Non-Governmental organisations (NGOs) talking on behalf of women (Hargreaves and Meer, 2000: 275). In these accounts 'women only' issues tend to be raised and men's accounts are ignored. While these sentiments were raised in the early developments of land reform programs in general, it seems they continued to surface with the new flagship program, LRAD. The chapter points out that the programme's intended gender equity goals remain rhetoric within DLA, supporting earlier assertions by (Hall, 1996; Meer, 1999; Walker, 2002).

Chapter Four outlines the research methodology undertaken for the study. To trace in detail the implementation processes of LRAD, a case study methodology was thus identified as a suitable approach for this study. This chapter discusses the qualitative methodology used for the study. In addition, the various methods used for collecting data in order to triangulate information gathered are discussed in detail. The Gender Analysis Approach used for this study builds on the conceptual issues discussed in Chapter 2. This informs the analysis of data as presented in Chapter 6 and 7. In spite of the limitations this study faced, fieldwork provided an in-depth analysis of the case during the (extended) timeframes.

Chapter Five gives an overview of the project site, focusing on Mpumalanga Province and the chosen case study in particular. The study was undertaken in Mpumalanga Province, one of the 9 provinces in South Africa. It is amongst the South African provinces which are categorised as mostly rural and poverty-stricken, with a high unemployment rate, low literacy levels, increases in HIV/AIDS as well as increasing levels of legal and illegal evictions (Stats SA, 2003; Sender, 2002; DLA, 2005a:90). The analysis of the composition of the family project members and life stories of the active members is typical of the deprivation experienced by individuals and households in this province.

Chapter Six traces the implementation of the Mathebula project and it maps out the activities performed by the 'active' members as detailed in Chapter 4. This analysis attempts to broaden knowledge on the problems experienced in policy implementation of land reform, specifically the LRAD programme. The chapter also highlights the different roles played by the institutions involved in the implementation of this project. This analysis is informed by Kabeer's (1992) approach to gender equality. She pointed out that institutions are spaces within which production, reinforcement and reproduction of social relations are created. She cautions that whilst the state or government departments purport to reallocate resources equitably, it takes into cognizance that they also play an important role in maintaining inequalities since they are not neutral. The findings in this chapter confirm this assertion as highlighted under Section 6.4 (on failures in gender empowerment) of this chapter.

Chapter Seven discusses the internal factors of power and control within communities as experienced in the project. The underlying assumptions of the Communal Property Association as a communal institution through which projects govern themselves as laid out in *CPA Act, No. 28 of 1996* are questioned. Thus the projects run through this program have the potential to either benefit few beneficiaries in reality than reflected in the official project documents. As revealed in this study, only four out of 37 members were active in the project at end of 2006. This questions the qualitative impact of these projects and by implication, land reform on the ground as often reported in official documents. In addition to the general problems experienced by these local institutions, (the CPAs), the active participation of women in these groups proved to be problematic and is not as technical or easy to resolve. The chapter ends by raising the internal factors which influenced this project. As revealed in this study, these are not often reflected in policy formulation. These include issues of governance at local level, control of resources and benefits, women's multiple roles, and livelihood strategies.

Chapter Eight summarises the limits of policy design as findings of this study. The issues of policy and theoretical considerations are highlighted based on the findings of this study. Policy issues include legislative framework, the viability of the CPAs, policy implementation and some of the gender specific issues. This study supports identified issues of theoretical considerations that have been previously highlighted by other South African researchers, such as Walker, 2002; Hassim, 2004-5; Ndashe, 2003; Claassens,

2007). These include the impact of HIV/Aids on land reform, representation and voices of women, and the protection of women's rights. Specific to the case study are factors which affected the implementation of this project and the strategies used by Aida to fight for her rights are highlighted. These processes have been used to assess how they have (dis)-empowered the project members and also to measure their effect on the sustainability of the project. In addition, the implementation of the project did not go without any unintended outcomes. The chapter ends by reflecting on the development challenges in South Africa.

CHAPTER TWO

THEORETICAL FRAMEWORK ON GENDER IN RELATION TO LAND

2.1 Introduction

This chapter provides a theoretical framework which emphasises the importance of equitable access to land and the security of tenure rights thereof. In addition, it highlights the significance of differentiating gender needs and interests in relation to land as an attempt to strengthen productive use and control of such land. Analysing these needs and interests at different levels of society is critical to the development of a policy framework which aims to enhance development in poverty stricken communities, such as those found in African countries. The theoretical framework draws from Moser's work on gender analysis, which argues that both men and women have to equitably participate and benefit from development initiatives (Moser, 1993). In view of the widespread disparities among men and women, the approach argues that involving women in decision making results in their empowerment. As difficult as it might be to measure empowerment, it is important to measure how the different agencies' interventions have supported people's own efforts and conditions that enables them to take responsibility for their own lives.

This chapter argues that the land reform strategies have different impacts on women and men. Firstly, it explores the gendered nature of access to and control of land, and strategies adopted by rural women in their struggle for food security. Secondly, it differentiates external and internal factors which hinder women's access to land. The internal factors, which are the focus of this study, are often not reflected in policy development processes. This chapter therefore highlights this policy gap. While policy frameworks do exist within different countries through which the land reform programmes should be implemented, numerous women in diverse contexts (even within one country) experience them differently, and adopt appropriate strategies to negotiate or fight for their tenure and food security. This study investigates the extent to which the government programmes such as the land reform programme, that explicitly promotes gender equality, are committed to their gender goals.

2.2 Conceptual Framework

This section defines the relevant theoretical concepts used to guide this study. These concepts have influenced the development of the South African Land Reform Gender Policy, which is a point of focus for this study. This policy is a framework which was aimed at creating an 'enabling environment for women to access, own, control, use and manage land, as well as access credit for productive use of land' (DLA, 1997a). The discussion below attempts to locate the development of the DLA framework within the broader gender discourse coined by gender activists as a response to social transformation.

2.2.1 Gender

As a term, 'Gender' is interpreted differently by different people depending on their social context. Scott (1988), an American feminist historian who theorised about gender and history in the early eighties, defines gender as 'a constitutive element of social relationships based on perceived differences between sexes.' Scott further emphasised that gender is a "primary way of signifying relationships of power" (ibid). In this study, the concept of gender is defined as the "culturally and historically specific concepts of femininity and masculinity, and the power relations between men and women" (Serijivers, 1993 in Mvududu, 1998). This definition refers to the social construction of sex and sexual roles and the social relations between the sexes.

As a development discourse, gender grew out of feminist concerns and scholarship (Murdock, 2003). Often it was used as a substitute for 'woman' and feminists were concerned about its uncritical use; hence, the introduction of the term "gender" (Scott, 1988). While the term might sound 'more neutral and objective' than the term 'woman', it has not been received without any contestation (ibid). To avoid this problem, Scott focuses on the ways in which the meaning of gender has been constructed. Since the concept gender is a 'social construct', the roles of women and men are learnt, and may differ from one place or culture to another, and even change over time (Moetsabi, 1998:19). Understanding this variance of meanings and understandings thus informs the dynamic element of social relations. As a result, more often than not, developing countries experience problems in monitoring gender in policy development over time. The specific approach of monitoring is referred to as gender mainstreaming. The routine of focusing on

gender inequality in policy making and implementation becomes the crux of the contested notion of gender mainstreaming.

However, Villarreal and Guerny (2000:2-3) argue that the term itself is problematic, 'not only from a linguistic point of view, but also because it is difficult to measure'. They attribute the difficulty to the 'abstract' and 'relational' nature of this concept. Because of this nature, gender issues are difficult to visualise, which often results in the misinterpretation and misunderstanding of the concept itself (ibid). Hence, there are often problems in addressing gender issues in development interventions and policy formulation.

In development, gender is an important but often overlooked aspect of people's experience of inequality. On the other hand, on many occasions, those who advocate the transformation of societies are accused of importing their 'social construct' of gender and are criticised of imposing it on other societies. Villarreal and Guerny (2000:2) argue that the rejection of the term itself (gender), and by implication its 'systematic nature', stems from its origins in 'western feminism radical thought'. However, they also point out that it is not necessarily the imported nature of the concept that causes the rejection, 'but the set of gender relations that are frequently thought to be associated with it', which are perceived to be threatening 'the existing social order'.

Because gender is always 'interwoven into the broader set of social relations (class, caste, race or religion), which intersect to ascribe to individuals a position in the structure and hierarchy of their society', it is therefore always present in people's lives (Meer, 1999). Scott (1998) emphasises that gender is constructed through social institutions and organisations (such as schools, labour market, and politics); thus, it becomes necessary to link gender and politics. By implication, this means that gender inequality cannot be understood separately from other social inequalities. It is imperative that any development programme, such as the land reform programme, whose main objective is to address poverty, needs to acknowledge the gender disparities and the impact of such a programme among men and women.

2.2.2 The Concept of Power

Generally, in social settings, power is viewed as various forms of constraint as well as an enablement of human action. It could also be viewed as a unilateral ability (perceived or real) or a potential through which significant changes in peoples lives can be measured. Lukes (1974) refers to this as a 'one dimensional' view, as the focus is entirely on 'behaviour'. This power resides in the 'making of decisions', normally 'exercised in formal institutions' and can be measured by the outcomes of such decisions. Relevant to this study, it can be argued that the (observable) outcomes of policy debates (that is the subsequent programmes or policies) tend to be determined by the decisions of those in power during policy debates. But, this analysis is limited in that it does not look at how such power is constituted. The second aspect of power relates to how an individual, through analysing their experiences, can recognise how power operates in his/her life, and gain the confidence to act to influence and change things. However, Lukes (1974) critiqued these forms of power as limited in analysis as they only focus on what could be seen. Beyond the analysis of 'observable' conflicts, Luke identified 'hidden forces' which are 'ideological in nature' (CJS on line, 2006). These include political, religious and social ideologies such as values, norms, ideas etc. These are helpful in not only focusing on the behavioural and observable aspects of empowerment but also on those forces which inform the societal ideologies, of values and norms.

From the above, it may be argued that feminism, and gender analysis has been informed by this third dimension of power, since it is about understanding how power relations work to construct societal norms related to gender, class, race, sexuality and other forms of division. The different types and sources of power include delegated authority, social class, personal or group charisma, ascribed power, expertise (ability, skills), persuasion and knowledge (ibid). Based on these different conceptualizations of power, this means that sometimes power could be created artificially, faked or man-made.

Although power is difficult, almost impossible to measure, it is imperative to describe it more precisely, so "power has frequently been conceptualised as a heavyweight that oppresses and penetrates to the roots of the lower classes" (Villarreal, 1992:255). According to Villarreal, the discussion had mainly focused on who possesses power and how it is exercised. As a result, she argues that some analysis focuses strongly on 'determining constraints, on access to resources, on rigid hierarchical categories and

hegemonic ideologies that oppress passive victims,' Villarreal (1992:256-7), thus suggesting that, 'the scope of power must be unpacked so as to allow an understanding of 'struggles, negotiations and compromises'.

As a relational concept, power is shaped by "different types of relationships that actors engage in and negotiate around" (Nemarundwe, 2004:45). This means that power is a 'resource' and can "be influenced by different actors at the same time...no one particular actor has power at a particular time to the extent that others with whom (s)he relates are lacking" (ibid). According to Villarreal (1992), those labelled as 'powerless or oppressed within specific circumstances, are not utterly passive victims, and may be involved in active resistance'. She further argues that the 'powerful' are not in complete control of the stage, and the degree to which they are also themselves forged by the 'powerless' is not to be disregarded'. Thus, power can be understood as operating in a number of ways.

Feminist analysis of the patriarchy often concentrates on the issues of power. For instance, Oxaal and Baden (1997: 1) identifies the different forms as:

(i) **Power over**, which involves an either/or relationship of domination or subordination;

(ii) **Power to**, which relates to having decision-making authority, power to solve problems and be creative and enabling;

(iii) **Power with**, which involves people organising with a common purpose or common understanding to achieve goals, and lastly;

(iv) **Power within**, which refers to self-confidence, self-awareness and assertiveness. It relates to how an individual, through analysing their experiences, can recognise how power operates in his/her life, and gain the confidence to act to influence and change things.

Relevant to this study, it is perhaps appropriate to look at power in relation to land. Access to and ownership of land and other natural resources has historically been seen as a measure or most important source of wealth which can be translated into 'power'. In the post-colonial countries, land is still important as a material resource through which societies (especially rural), derive their livelihood. In understanding the gendered nature of access and control of land, it is important to understand the power relations at play among and within communities. In this sense, power is not possessed but is rather exercised by others.

As a relational concept, power becomes a useful analytical tool for understanding leadership and other struggles, negotiations in conflict, network and alliance situations. Power can thus be exercised at different institutional levels, within a household, family, community, etc. It is also exercised through policy development processes. Understanding power dynamics among different actors in the processes of policy making and implementation affords an in-depth understanding of the resultant outcome of such policies and programmes. In this study, the struggles, negotiations and compromises related to these power dynamics have been identified by documenting the implementation process in Chapter Six, and by looking for obstacles and opportunities facing the realisation of gender equity at different institutional levels, that is, between and within the different institutions at play.

However, Nemarundwe (2004:46) contends that 'access to capital, labour and non-material goods such as information, knowledge and education is becoming increasingly more important in influencing power relations in a particular context, whether within a family or community. Thus, access to land and other natural resources cannot be seen as the only important source of power. Therefore land reform programmes on their own cannot be seen as the absolute solution to addressing gender inequity. In order to be effective, their implementation must be linked to or involve other social programmes which offer non-material benefits.

2.2.3 Empowerment as Equity Goal

The term 'empowerment' is used in different contexts by different organizations. Oxaal and Baden (1997) claim that it is the various understandings of 'power', embedded in the concept of "empowerment", which carry through into different 'empowerment approaches' in practice. For instance, in South Africa's National Policy Framework for Women's Empowerment and Gender Equality (which guided the development of the Land Reform Gender Policy), it can be argued that empowerment is understood as originating from Oxaal and Baden's (1997) 'power within' because of its emphasis on building the capacity of an individual. Griffin (1987:18) in Mushunje (2001:4) defines empowerment as a process through which individuals, "have control or gain further control, have a say and are listened to, are able to create and influence social choices and decisions affecting the whole society, and are recognised and respected as equal citizens".

In other words, empowerment cannot be given to people; rather, it is a process in which people must develop their awareness and the ability to react to change. In relation to land reform, this means that change needs to come from within and among women themselves. In this sense, women as individuals or as a collective need to be the agents of change, not withstanding the power relations that exist even amongst themselves. It is these women who have to take the initiative to ensure their land rights are protected. The positive impact of any programme will therefore depend on how its empowerment objectives have been met, by tracing how women in relation to their counterparts have gained self confidence in order to take control of their lives.

Thus the indicators of empowerment are; (i) access (increase) to education, (ii) self-reliance and (iii) self-confidence. In addition, other indicators of empowerment as reflected in the DLA's policies and commitments were investigated (DLA, 1997a). These include;

(a) Beneficiary participation in the project (number of women and men in decision making structures, contribution in meetings, ability to take care of women's needs). These are reflected in Section 7.4;
(b) Rights to land and security of tenure (how women's land rights are protected (legally, socially), as discussed in Chapter 6; and
(c) Access to livelihood creation, resources and opportunities (development opportunities, credit and other resources). These are highlighted in Secton 6.3.2 and 7.6.4.

2.2.4 Gender and Development

The origin of the term 'development' comes from the old French 'dis + veloper', defined as "the process of unwrapping or bringing out the capabilities and possibilities of something" Crowley (1999:3). Some of the international development agencies, like the Food Organization Agency (FOA) advocate that this process 'can truly be brought out when they are held up by people, institutions, and systems from below'. These international agencies have since called for commitment by various member states to promote rural development with a specific focus on gender equity aimed at the sustainable development of resources (SD, 2002a). A series of international discussions and global women's movement activism, including the 1995 World Summit for Social Development and the Fourth World

Conference on Women, influenced a shift of this sustainable development "from rhetoric to actually integrating the human, social, economic and environmental dimensions of sustainability into a coherent global vision for sustainable agriculture and rural development" (SD, 2002b), with the advancement of women as a central component.

The concept of 'gender and development' stems from the realisation that unless one understands the differences between men and women and the way they interact with each other, development objectives cannot be achieved. To say the least, any development initiatives which do not differentiate the diverse needs and interests of both men and women, will result in skewed outcomes. Due to a variety of factors, (including cultural, class, legal etc) women and men have different roles in different societies. Moser (1993) therefore argues that a gender and development approach should entail processes of achieving short-term and long-term objectives, by identifying men and women's 'practical and strategic needs'. Practical needs entail everyday access to resources and services, such as food, health, employment, education and finance, whilst strategic needs are about long-term goals of control over one's life and the ability to influence society through decision making and meaningful (and active) participation in society. Access (or increase) to education, self-reliance and self confidence which are indicators of empowerment, have an effect on the long-term goals of gender and development.

The focus on the gender and development approach is in assessing and dealing with women's unequal position in society, in relation to men. This approach recognises that improving women's position in society requires an analysis of relations between men and women, as well as 'concurrence and co-operation of men'. In this approach, gender is seen as a cross-cutting issue which influences all economic, social and political processes. Thus, redressing inequity entails a holistic approach of 'facilitating strategic, broad-based, and multifaceted solutions to gender inequality' (ibid: 3). This is mainly achieved through an analysis of structures that generate, and maintain the gender disparities which place constraints upon development.

Whilst this study has largely been influenced by this approach, it is important to highlight the policy shifts in the development agenda as an attempt to address both practical and strategic needs of women, as influenced by the international arena. The following section maps out those historical dynamics.

2.3 The Feminist Approaches to Development

In order to specifically address gender inequities, the Women in Development (WID) approach coined in the 1970s by a female committee in Washington D.C., was adopted by USAID (Moser, 1993:3). According to Moser, the underlying rationale was that women are "an untapped resource that provide an economic contribution to development", and that "development processes would proceed much better if women were fully incorporated, instead of being left to use their time productively" (Moser, 1993). Focusing on women in isolation, the approach promotes measures such as access to credit and employment as the means by which women can be better integrated into the development processes. However, it is acknowledged that the WID approach is influenced by wider development policy paradigms in a particular context, and therefore "differs from country to country, Ministry to Ministry, and even from department to department" (Levy, 1996:1). Whilst recognising this difference, Levy has however, identified similarities in WID policies, namely:

(a) The focus on women as an analytical and operational category.

(b) The formation and establishments of separate structures and organisations for women e.g. Ministries of Women Affairs and subsequent departments and desks.

(c) The mandate of these organisations focused on women only (as though they were not involved in other ministries and/or activities).

(d) Means of intervention obviously were women-specific policies, programmes and projects, and lastly,

(e) These separate structures were severely under-resourced compared with other government expenditure.

It was widely recognised by several commentators that one of the unintended outcomes of this approach was unfortunately the fact that due to the nature of its orientation, the programmes remained marginal to the mainstream development activities of governments (Levy 1996:2). As Levy correctly pointed out, whilst the WID approach institutionalised itself within government agencies and international organisations, it did 'not institutionalise women in the practices of development agencies. This critique led to a shift in approach, principally in academic research, which recognised the limitations of focusing on women in

isolation and has drawn attention to the need for Gender and Development (GAD), which focuses on gender rather than women *per se*.

The focus on gender rather than women makes it critical to look not only at the category 'women', since that is only half the story, but at women in relation to men, and the way in which relationships between these categories are socially constructed (Moser, 1993:3). The concern was about the manner in which the problems of women were perceived in terms of their gender, namely their biological differences, rather than in terms of their gender, i.e. the social relationship between men and women in which women have been systematically subordinated. Moser argues that the GAD approach maintains that to focus on women in isolation is to ignore the problem, which retains their subordinate status to men. In insisting that women cannot be viewed in isolation, it emphasises a focus on gender relations when designing measures to help women in development processes.

Mvududu (1998:6) claims that using the GAD approach leads to a better understanding of the problems and therefore better solutions, because it is based on the assertion that women interact with the environment within specific gender relations, and that these gender-characterised uses of resources need to be the focus of analysis. Further, because it analyses development from an economic, historical, legal, and general social science perspective, the approach therefore can be used by actors for different purposes at different times (Murdock, 2003). Therefore, the use and meaning of GAD is contextual. For instance, there is evidence that this term is used differently by different men and women without commitment to the feminist gender agenda. While feminists use it as a 'field of power relations' in the development field, others may use it as 'another variable' for analysis (Murdock 2003). In her ethnographic study in Medellin, Murdock discovered that government officials used GAD to 'justify a turn-away from feminist concerns for women's experience'. Their argument was based on 'twisting' the tenets of GAD to their own use, and insinuated that 'focusing on women is discriminatory', as women have to be considered in relation to men or their families, never as individuals.

Thomas (1992) in Nabane (1994) claims that GAD analysis can also be used as a starting point to study other types of differential interests and social relationships, and how they affect natural resource management. This approach is claimed to have been useful in analysing the relationship between land reform, environment and gender (Ibsen, 2000:271).Ibsen contends that its usefulness in the South African context lies in the analysis

of environmentally sound land use practices with respect to both men and women's interaction with the environment, using economic, social and cultural determinants of control and ownership of those resources (ibid). However, she also sees the relevance of using the WID approach, especially to ensure that women have 'individual rights to land', and are 'able to participate in decision–making'. She suggests that development projects should 'target' women 'until they are fully integrated into development processes'. Ibsen seems to suggest that there is a linear approach to development moving from a 'women-specific approach' (WID) to a 'gender-specific' (GAD) approach (ibid: 275).

Whilst the WID and GAD approaches differ in their conceptual framework, Levy (1996:2) has also identified similar characteristics to the institutionalisation of WID, in particular at operational level. Like the WID, the institutionalisation of GAD showed similar trends. Firstly, the approach recognises the subordination of women and considers the implications of power in gender relations in the analysis and operational aspects of the methodology. Secondly, separate structures and competence of staff within institutions were created. Thirdly, the mandate of the GAD policies was for the integration of a gender perspective in all development activities. The form of intervention became a strategic choice for agencies depending upon different contexts (i.e. women or men specific programmes were appropriate), and lastly, these initiatives were also under-resourced. Levy's critique of the institutionalisation of the GAD is that, GAD seem to be replacing and "depoliticising' the WID approach, without really addressing 'the power relations underlying its very own conception" (ibid: 2). From this perspective, she questions whether the GAD approach will make any significant changes compared to WID.

In South Africa, the policies at macro-level, such as the White Paper on Land Policy seem to be influenced by GAD, with the DLA "committing itself to taking legislative and administrative measures to give women and men equal rights to economic resources including access to ownership and control over land / other properties" (DLA, 1997a:18). The Gender Policy further claims to be in line with the GAD approach and suggests the use of the term 'gender' instead of 'women' (DLA, 1997b: 8). However, in practice (and also in official documents), the focus tends to be only on women, with 'women only' projects being encouraged in the redistribution program (LRAD) developed in 2001. This trend has been identified by different commentators and researchers in the South African context (Hall, 1998; Walker, 2002, 2005; Weideman 2005).

In addition, Ibsen (2000:276) identified contradictions in official documents with others reflecting the WID approach, whilst also making reference to the gender blind approach. For instance, the 'Quality of Life' Report of 1998 which measured the progress on land reform reflected the indicators of success as the distribution or access to rural people, 'especially disadvantaged groups, like women'. Ibsen argues that this approach which focuses on women as a target group and treat them as a 'homogenous category' is indicative of the slip within the government, despite their overall claim of the GAD approach. For instance, the document gathered information for analysis from genderless categories such as "household…, families… and communities" (ibid).

While these approaches are perceived as mutually exclusive with set principles for each, there are practical implications which need to be considered. Without arguing for a linear approach as advocated by Ibsen (1996), in South Africa for instance, an argument for the integration of these approaches in different circumstances could be made. For instance, in extreme cases of abuse and violence against women, the WID approach could be relevant, whilst in cases of finding solutions, a GAD approach could be adopted within the same context. Addressing gender equity issues does not practically follow theoretical parameters. Rather than technically coining the practice in rigid boxes of WID and GAD, the two can co-exist in a way that can allow a switch from one framework to the other depending on the circumstances and the context. This flexibility could enable implementers to be innovative and open minded in the field. This could be referred to as a gender and women (GAW) approach to development. Such an approach would prohibit the over reliance to foreign experts and theories without 'depoliticising' or "de-contextualising" these approaches (Walker 2003:127; Razavi 2003:30) This is different to what Ibsen (2000) refers to as the 'gender-blind' approach, which she claims (together with the WID approach) is visible in various South African government documents.

2.4 Gender in Relation to Land

Colonial state policies affected women's land rights in several ways. Some commentators argue that neglecting gender relations in agricultural development programmes is "inefficient" (CGIAR, 1986). Earlier studies from different parts of the world, such as Asia, Latin America and the Caribbean and Sub-Saharan Africa, showed that when gender relations are ignored in development projects and programmes, gender inequities are

reinforced and even increased (ibid: 61-68). In most cases, changes in women's rights to land which guaranteed individual tenure and inheritance rights occurred without any considerations for their interests.

According to Bush and Cliffe (1984:81) in Pankhurst and Jacobs (1988), in South Africa, "married women in particular had no legal recourse to prevent men's restriction of their access to land they had previously cultivated". Widows and divorcees on the other hand, were in theory formally entitled to a plot half the size of those allocated to male heads of families. Nevertheless, they could not inherit land or pass it onto their children. Of course, this varies with different rural societies in Africa, including South Africa. African women in particular are regarded as more disadvantaged, when compared to men of the same race and class where issues of access to land, employment, labour and training are concerned (Isben, 2002:273).

Whilst redressing past social injustices, various governments in different countries have however been reluctant to recognise the role played by women in food production. As early as the 1970s, gender activists and researchers have highlighted the critical role played by women in food production and working on the land in general (Moser, 1993; Kabeer, 1994, Argwal, 1994). Over time, these debates have shaped and informed the conceptualisation of the gender agenda in development initiatives, such as the land reform programmes in different countries.

This has resulted in some countries incorporating either different legal clauses or developing gender policies which were intended to address the gender inequity. Walker's research on some Southern and Eastern African countries revealed that, while these countries acknowledge the gender equity goal through legislation and in principle, it still remains a challenge to implement gender policies within land reform due to lack of capacity and resources (Walker, 2002:66). As a result, in recent years global initiatives encouraged countries to engage in participatory approaches to budgeting by creating strategies and targets to reduce gender disparities and to examine the link between poverty reduction and women's empowerment (One World, 2006). South Africa, as a signatory to these international Treaties and Conventions thus, has an obligation to monitor implementation of its policies so as to align herself with international trends and approaches.

When compared to other African countries, South Africa has been highly commended globally for its progressive constitution and related policies which attempt to bridge this gender gap. The government's land reform programme, (similar to other African countries) has been conceptualised as one of the development programmes whose main aim is to transform its society so as to ensure equitable distribution of resources. The Department of Land Affairs policy clearly states that the 'gender skewed distribution of land resources in South Africa perpetuates women's powerlessness because land ownership, tenure and use system has not only been racially based, but also has been based on gender discriminatory systems'(DLA, 2001). Whilst the intention is often boldly articulated in policy documents, the daunting task lies in the implementation of the said programmes, hence monitoring policy implementation becomes very critical in facilitating the understanding of patterns of inequity (even among women) over time. This study chose to look at the land question from a gender perspective so as to evaluate the effectiveness of the land reform processes in South Africa (through the land redistribution programme, LRAD) in redressing these past gender imbalances.

2.4.1 Women's Position in Society

In general, the interpretation of the status of women in societies is a highly contested territory, even more so when particular reference is made to rural women. These controversies have mostly been sparked in policy development debates. For instance, in South Africa during the development of the *Communal Land Rights Act* which was initially introduced in 2001 at a conference in Durban, civil society and various stakeholders including gender activists, criticised the South African government for relegating powers of land administration and allocation to traditional institutions. Hassim (2004:349-51) gives a detailed account of the contestations between the traditional authorities, government (the Land Affairs Ministry) and some gender activists together with civil society during the development of the Bill.

Another crucial gap that has been identified in previous research and policy development processes is that the voices of rural women continue to be left out in policy debates and negotiations regarding land reform, with land rights Non-Governmental organisations (NGOs) talking on behalf of women (Hargreaves and Meer, 2000: 275). In these accounts, 'women only' issues tend to be raised and men's accounts are ignored. This is attributed to the fact that 'rural women are often not aware of their legal rights due to their low levels of

education (compared to their urban counterparts) and a lack of access to information' (UNDP, 2000). This suggests that most rural women who do not have direct contact with NGOs do not participate in land debates and negotiations. A challenging debate of any society thus becomes: What other mechanisms are in place to facilitate women's access to information? This study will identify the different institutions and the roles they played in facilitating access to information for women's rights to land.

This controversy has sometimes caused divisions in debates to such an extent that the issues of women's powerful role in society have been mis-communicated, misinterpreted and mis-construed both by the advocates of gender issues and the resistors. This has mainly been caused by the overwhelming evidence on interpretation by some researchers of the 'oppressed' nature of rural women. In particular, gender activists criticised for speaking on behalf of other women, with 'the rural/oppressed voices' not being heard either in public debates or research agendas (Jackson, 2003: 462). For instance, Jackson criticises Agarwal's position of rural women in Asia as misleading, because she reflected her "perceptions of what women want/need", by interpreting "women's voices", without asking "how these rural women see their situation" (ibid). In addition, he maintains that there is a need to look at gender in terms of changing social identities and relations within household structures such as marriage and kinship (ibid: 472).

Whilst some researchers have looked at the 'oppressed' status of women, others have recognised the 'significant degree of independence and status' that these women enjoyed. Historically, women enjoyed this independence in the context of marriage during the pre-colonial Zulu society in South Africa (Guy, 1990; Walker, 2002:8). Recent research conducted by field workers working with the National Land Committee (NLC) in South Africa revealed examples of women who became agents of change in their society by continuously challenging male domination and their attitudes. For instance, with the assistance of a local NGO, Southern Cape Land Committee (SCLC), women of Cape Town successfully lobbied the national and provincial Department of Land Affairs and campaigned to be included as land reform beneficiaries in their own right, separate from their partners (Mlahleki, 1998:48). However in her comparative analysis of her field work, Mlahleki pointed out that the fact that the town was dominated by youth (aged between 25 and 30) with low levels of education and more or less affected by the same farm conditions was a contributing factor to this agency. In contrast to the Brandwacht (Mlahleki, 1998: 49)

community that has a stratified social status, the poor, most of them women, "seemed to have lost faith in themselves". These different perceptions of (rural) women as victims of the system and as being 'oppressed', have dominated policy debates to such an extent that these policies have only looked at raising women's position in society by 'empowering' them. Such approaches are problematic as they do not recognise (rural) women as active agents of change in their own right (individually or collectively). The policies as such, recognise women's weaknesses and limitations as point of departure. In addition, the agency of women is often neglected or not recognised in policy formulation and programme development.

These interpretations of women's positions lack differentiation of rural women, which is problematic when interpreting women's voices in general. In relation to women's rights to land, the debates have been even more intense, with some researchers advocating women's individual rights to land and/or joint titling, whilst other researchers justify the traditional customary systems of women's access to land. For instance, in South Africa, the changes which resulted in the development of a new policy, the LRAD, (see Chapter 1), were as a result of (amongst others) advocating women's individual rights to land (May, 1999). These arguments have ignored the fact that individual land rights on their own cannot be the single key factor that can unlock the subordination of women. In fact, Jackson (2003: 462) argues that fighting for individual land rights or joint titling for some women 'may prove to be an even bloodier battle with more uncertain gains'. The differences in women's voices and how they see their positions needs to be acknowledged and recognised. As Jackson puts it; "where a marriage is working well for women and delivers social, emotional, materialistic and sexual satisfaction, there may be little interest in demanding joint title or individual land allocation from husband" (ibid: 467). Women, as a source of labour and producers of children in these societies were fundamental to social organisation and the marriage therefore set up the productive unit upon which the society was based. In Chanchalo, Ecuador for instance, Hamilton's study reported "an overwhelmingly predominant standard of egalitarianism among women and men farmers" (Crider, 1999). In this region, wives and husbands were found to share responsibilities, resources and decision making at household level However, legal changes seem to be justified to protect those women who are not in such conditions.

In South Africa, similar to other African countries, women form the largest part of the population. The 1996 census reflects that 51.9% of the country's population comprised of women, with African rural women comprising the majority of the poorest category of citizens (Stats SA, 2001). About 65% of rural women-headed households were regarded as poor compared to 54% of male-headed households. Manthata (2002:22) claims that the majority of these rural women derive their livelihood from land, such as fetching water and collecting wood for domestic purposes. Baden et.al (1999) indicated that about 71% and 41% of poor rural African households, fetched water and wood respectively, compared to other races in South Africa. For instance about 3% and 1% white households, fetched water and wood respectively.

A word of caution though, "to analyse women's subordinate status in terms of contemporary notions of oppression and rights" (Pankhurst and Jacobs, 1988) has therefore been viewed as extremely misleading in policy reform. However, if the general historical disparities are to be acknowledged, it is important to look at women's rights and interests in land separately. What is required is the understanding that these interests are contextual and will always differ amongst women. Differentiation of women, (even rural women in the same class category) is important. Women's voices in these debates have not been thoroughly reflected. Claassens (2006:4) suggests that there is a need to engage with women so as to understand better 'what constitutes the customary', perhaps moving away from debates which further 'disadvantage women and undermine equality'. A call for understanding that 'shared interests and shared consumption of collectively own-produced food does not merely translate into models of oppression', needs to be recognised in land reform discourse (Jackson, 2003).

The recognition of such collective interests is central to rural women's lives in farming households. Thus, those who are adamant about women's individual rights to land need to further explore women's voices on such issues. It is not a matter of either one or the other, but it might be fruitful to offer alternatives for those women who interpret their positions differently to the norm. It would be more significant to work very closely with these (rural) women, so as to understand their problems, their struggles and strategies and avoid their further "oppression and silencing" (Mann 2000: 23; Claassens 2003:4).

2.4.2 The Triple Role of Women

During the colonial period in South Africa (and in other developing countries), "pacification, forced labour, the introduction of export crops and the recruitment of male workers for plantations and mines substantially influenced gender roles and responsibilities" (Cloud and Knowles, 1998: 252). Reports from the Consultative Group on International Agricultural Research (CGIAR) also confirm that these socio-economic changes assigned new roles to women, although the impact differs from country to country depending on "regional patterns associated with particular agrarian histories and resource endowments" (CGIAR, 1986:2). For example, due to these changes, women in Latin America have become responsible for low income urban households, whilst in Lesotho, in over 70% of households women are *de jure* or *defacto* heads of households. In Bangladesh and Maharashtra, women were permanently or seasonally responsible for themselves and their children (ibid). Households headed by women, particularly in rural areas have increased. Exceptions noted are in China and most Islamic societies although not all of them are poor (ibid). These changing roles of women as sole breadwinners, sometimes for extended families in other African countries, have wider implications for policy development. In essence, the model of rural households headed by males, of men as household breadwinners and of farming as a male occupation has long diminished.

In general, the impact of colonialism and integration into the world economy together with increasing populations, have all served to weaken women's access to land. At the same time, labour and capital have increased women's responsibilities for agricultural production (Walker, 2000). Of particular importance is that the 'balance between women's responsibilities for agricultural and human capital production' and their secure access to land, labour and capital necessary to fulfil these responsibilities is maintained (ibid). As Moser (1993) pointed out, "the dual, sometimes three-fold productive role of women, puts women into a more vulnerable and difficult position". As much as they can work both as independent farmers on their own small-holder plots and as 'peasant wives' as enumerated labourers in the fields of male household members (where they work in planting, hoeing and weeding), they also work as wage labourers, most frequently seasonally, to supplement household income. This scenario presents problems, particularly when measuring the contribution to households among men and women.

As discussed in Chapter 1, during apartheid era, the South African policy of confining the African population to 'Native Reserves' had the effect of creating a land shortage within these 'reserves', and at various stages, "colonial policies directed towards the reserves interfered with the customary practices of allocating land within the households" (Pankhurst and Jacobs, 1988:206). In many places, these shifts resulted in increased agricultural responsibilities for women, chiefly in the production of subsistence food crops.

Further, "the commercialisation of agriculture, and concomitant transformations in production systems and technology, influenced the so called separate but equal status of women in several fundamental ways" (Moser, 1993). These relate particularly to time and access to resources. Capitalist agriculture put increasing pressure on women to spend more time working on farms. As a result, their income, in cash or kind, was reduced. Both equity and efficiency suffered as a result. In addition, women tend to spend more time doing more (unpaid) household work than men. This included time to care for children and the ill and the elderly. Budlender's report revealed that, in general, South Africans spend less time on child caring than in Europe, Australia and Canada (Budlender, 2003:15). There were obvious big differences identified between men and women.

2.4.3 The Impact of HIV/AIDS

In addition to the triple role women play in their societies and tenure insecurity, women are further challenged by the alarming increase of HIV/AIDS on the African continent. Collin and Rau (2000: 1) in Walker (2002:29) claim that Sub-Saharan Africa has the highest female infection rate (55%) when compared with men. This status poses a challenge to rural development initiatives in general, since labour force and skills are lost as a result. This current social crisis of HIV/AIDS has a broader negative impact on the land question and negative spin-offs to the household affected. When the productive member of the family dies, orphans are often left in the hands of the elderly or other children (mostly girls), with inadequate access to resources. These orphans (of land reform beneficiaries) and elderly are left vulnerable to insecure land tenure and access to other basic services, for example, education, health, etc. Often, orphans tend to be taken to guardians or safe places once their parents die and their parents' land becomes vulnerable to "outsiders" (Walker, 2002). For these children, the probability of losing their parents' land is high, as they have no-one to negotiate on their behalf.

A study by the Kaiser Family Foundation found out that girls and women were more likely to be more vulnerable to HIV/Aids than boys and men (Msimang, 2006:9; Albertyn (2003) in Hassim, 2006:2). Msimang (2006) reflected on an International AIDS Conference held in Durban in South Africa, in which different speakers confirmed the rising prevalence of this epidemic among women. For instance, during this conference, Rao Gupta attributed this to several factors, such as:

(i) 'The culture of silence' among women,

(ii) Economic independence from men and

(iii) Violence against women (ibid: 10).

During the World Food Summit in 2002, the Swedish Minister of Agriculture, Margareta Winberg, made a similar assertion. She noted that more often than not, even when a woman is sick, she still carries the burden of taking care of the sick (elders, children and their male counterparts). These factors have a significant influence on the extent to which women could negotiate condom use with their partners. With increasing HIV/AIDS , it is highly likely that women will have even less time to attend to their own needs. In addition to these difficult conditions, women are also vulnerable to loss of land rights. For instance, it has been reported in Uganda that the HIV/AIDS crisis contributed to landlessness because there was evidence that sick people sell their resources to pay for medical care, funerals and labour (Rugadya, 2003:8, 20). In such cases, women are the most vulnerable due to "both infections and loss of land rights, and destitution as local elite or clan members grab property of widows".

However, the 'glossy' perception of rural women's agency in the realm of sexuality has been the major critique against these arguments. The fact that many rural women are not passive victims of male power has been widely documented (Phoofolo (2005) in Msimang, 2006:11). Strategies of 'prolonging sex, enjoying sex, avoiding sex, attracting lovers, and passing information to sisters, daughters and friends' have been largely ignored (ibid). Msimang also mentioned that rural women do have extramarital affairs. Such scenarios as those prevalent in the Thembuland region of South Africa have surprisingly not been highlighted despite their documentation (ibid). In any case, these women are more prone to infection than other women. From this account, it seems that addressing women's

vulnerability to HIV/AIDS should not be overly generalised as emanating from women's subordinate position.

Although no extensive research studies have been conducted on the impact of HIV/AIDS on land reform as yet, nor its recognition within the land policies of most African countries has been registered, there is increasing recognition of its impact on land reform programs. For instance in South Africa, some NGOs have started to question the impact of HIV/AIDS on the tenure security of HIV/AIDS orphans. An example is a land rights NGO, (TRAC-MP) in Mpumalanga Province of South Africa. Amongst others, donor agencies have started to challenge DLA and all those in the land sector to come up with an integrated approach to combat the impact of HIV/AIDS on land reform beneficiaries. This study will also highlights the effects of HIV/AIDS on the sustainability of this particular project.

2.4.4 Securing Women's Rights to Land

In search for gender equity, African and Africanist feminists have long had debates of how to secure women's rights within a legal system. Whitehead and Tsikata (2003:18) draw our attention to the different debates amongst these experts within different areas of law. Earlier studies in the 1980s on family law, inheritance, land relations and on violence against women have dominated the gender discourse. Since then, women lawyers in general became more involved and "influential in policy advocacy and demands for legal reform…popularising laws relevant to women's rights, and promoting legal literacy and paralegal training for women" (ibid). At the same time activist feminist lawyers aligned themselves with a rights perspective advocated by international conventions and instruments which believed that women's rights could only be attained through state and statutory laws.

In women and land approaches, contestations between African feminists and male lawyers began to surface on how best to secure women's rights to land in Africa. Whilst African feminists and activists believed in statutory interventions, some African lawyers had a different view, and "were at the forefront of the re-appraisal of the ability of customary law to deliver security of land tenure" (Whitehead and Tsikata, 2003:19). Even researchers had different opinions on whether statutory or customary law was more appropriate for protection of women's rights. Some researchers argued that within customary law, women

either did not have inheritance rights or these rights were inferior to men's, whilst some were even critical of the statutory law as the alternative route (ibid).

Despite legal framework afforded through reforms in several African states, evidence from the ground has shown how the statutory law has in general failed to protect beneficiaries' rights, in particular those of women. Instead researchers have observed that in post independent states, statutory law and administration is often 'poorly understood' resulting in the prevalence of the "old order" practices (Claassens, 2003). For instance, Whitehead and Tsikata (2003) outlined differing views among some African legal feminist writings on the effectiveness of state and statutory law in protecting women's rights. They quote Karanja (1991), who reflected on experiences from Kenya on titling and individualisation of land rights as being discriminatory against women. In addition, McKenzie's study to illustrate how the land reform in Kenya reinforced 'men's resistance to women's control over land', despite the introduction of registration and titling of land under a single owner and the support to daughter's inheritance within the patrilineages (ibid). In this study McKenzie found out that "men were able to manipulate the historical precedents of custom to exercise greater control over land to the detriment of women" (ibid: 74).

In South Africa, Ndashe's work has also shown how women in the Muslim community battle to fight for their rights through the court of laws (Ndashe, 2003). Ndashe illustrated through several cases that whilst there are some victories gained by women, there are also challenges faced by women in exercising their rights which include: access to resources and lack of backing legislation with regard to Muslim Personal Law. Some feminists, (like Butegwa) have noticed that even with the existence of these laws, customary practices continue to be important in determining land rights. However, challenges in using the statutory law continue to protect women's rights has evidently reinforced the status quo, in particular at grass roots level.

In spite of these arguments, Whitehead and Tsikata argue that 'reforming' still needs to be explored other than simply allowing customary law to evolve on its own. As evidence indicates, there are still some limitations of the law when "managing change in a gender equitable manner" (ibid: 25). These include women's inaccessibility to legal processes and courts, the formal legal cultures and institutions which are still unfriendly to women, and the existing contestations of "the formal discourses of law and legality' (such as equality and individual rights) within customary practices, which are embedded on social relations.

However, there are also differing views on what part of law needs to be reformed, based on the different perspectives as outlined above. These differing views seem to be "one source of the considerable problems that the legal formal system poses for women" (Whitehead and Tsikata, 2003:21).

Tsikata and Whitehead (2003: 28) further seem to suggest that the best way to secure women's rights is through 'democratising African states'. This could be achieved by strengthening the local level management institutions in which gender equity issues are entrenched. Often customary law prevails in local level institutions and vulnerable groups' [land] interests, such as those of women diminish due to their weaker political voice on the ground. In such cases, rural women will use what is convenient to them. It is important that sufficient attention be paid to power relations at local level especially in rural contexts.

2.5 Factors Affecting Women's Access to Land

Challenges facing women with regard to access to land can be attributed to several factors from political to community level. For the purposes of this study, the differentiation of these factors will be analysed as external and internal factors. External factors, which others refer to as "the first tier policies" (Walker, 2002), are macro-policies at international and national level. These influence policies within government departments and various institutions. Internal factors are those which include institutional challenges which result from implementing policies at regional, community and household level and, individual or personal factors — a sphere often neglected in analysis.

2.5.1 External Factors: Macro-Level Policies and Approaches

2.5.1.1 Different Approaches to Land Reform

There is no single explanation as to why land reform programmes sometimes do not contribute to poverty alleviation. This could be attributed to the fact that land reform programmes are shaped and influenced by multiple factors and interests. For several years, international organisations have been actively involved in either influencing and/or assisting in Land Policy development for African countries. Their ideologies and approaches to poverty reduction have largely shaped policies related to land and gender issues. Such organisations include the World Bank, OXFAM Great Britain (GB) and the

International Institute for Environment and Development (IIED) (Whitehead and Tsikata (2003:11). To a certain extent, some of these (like OXFAM GB) had funded NGO's in Eastern and Southern Africa.

Within these institutions, the gender debate has also been a contested territory with differing views among feminists as well as gender activists. Some views advocated the transformation of societies, whilst others advocated the 'integration' of women's issues. These debates are reflected in state development policies which have a specific impact on gender relations. The 'integration' approach has been highly criticised for adopting a 'paternalistic view', which argues for "the integration of women into already existing structures of male dominated processes" (Roberts (1990) in Levin and Mkhabela (1994). The problem with this approach is that it does not question existing structures and relations of development; instead it integrates women into a process which furthers their marginalisation (Levin et. al., 1994:247). This approach is referred to as Women in Development (WID), as discussed above (Kabeer, 1994:9).

In their review, Whitehead and Tsikata reflect on the differing, sometimes 'converging' approaches of these international organisations in addressing the land question. In their analysis, it is clear that the contestation in these debates is centred around which appropriate system — land reform based on economic principles or the customary tenure system - will promote women's access to land at local level. As the section on policy development of land reform policies in South Africa (to be discussed in Chapter Three) argues, the changes in ideologies between and within these international institutions tend to prescribe the political agenda of individual African countries. In Nepal for instance, such land reform and environmental macro-policies which had high impact on women included banking, agricultural, coastal and water policies (IFAD). For programmes focusing on poverty reduction, special attention should be paid to poor rural women "who are the most significant suppliers of family labour and efficient managers of household food security" (IFAD, 2006).

2.5.1.2 The Patriarchal Nature of the State

The other external factor influencing approaches to the development of land reform programmes relate to the nature and capacity of the state. Institutions are a microcosm of

the society in which they exist. Despite the creation of women's ministries, units or bureaus, decision making powers remain largely male dominated and gender blind. For instance, South African society is described as patriarchal in its nature, and this filters through its institutions (Weidman, 2004: 395). It is public knowledge in South Africa that very few women occupy positions of power; although, the number seems to be growing. Most of these positions are in government agencies rather than in the private sector.

In this connection, is the fact that "the majority of policy makers and practitioners working with (Women in Development (WID) or Gender and Development (GAD) issues do not themselves have any formal training in the discipline of planning", let alone gender mainstreaming (Moser, 1993). Hence, this resulted in "widespread ignorance of the in-built limitations of the planning procedures adopted" (Moser, 1993). The tendency of gender mainstreaming programmes is to recruit women in the field on the basis that they will inherently understand the issues and will rely on their good common sense. For instance, in government departments in Mpumalanga, all gender focal points are women, some of whom have no training on gender issues. Sometimes, these sentiments expressed by officials have resulted in widespread ignorance and misconception of their role.

Further, the stereotypes that both men and women associate with gender focal points, perceptions that women are 'feminists who are man-haters' have made their jobs very difficult within their departments and in society. These negative perceptions were reported elsewhere. In Medellin Colombia (Murdock, 2003) points out that, "these negative stereotypes about feminists and feminism have made educating the public about gender roles, power imbalances and women's rights difficult".

2.5.1.3 Inappropriate Methodological Tools

Another critical factor is that feminist academic research, by its very nature, highlights the complexities of gender relations and the divisions of labour in specific socio-economic contexts. It has not been concerned with identifying how such complexities might be simplified into 'methodological tools which enable practitioners to translate gender awareness into practice' (Moser, 1993). This failure means that many of those committed to integrating gender into their work policy, programme or project level still lack the necessary planning principles and methodological tools. Whilst a variety of tools have since been developed through UNDP and other international agencies, the danger lies in some

government agencies' syndrome of "cutting and pasting"these methods "without meaningful engagement" (Walker, 2002). DLA in South Africa is guilty of this behaviour.

The question raised with regard to the applicability of these methods continues to be a thorn in their side. Wieldemen (2005: 395) for instance questions how these official gender equity policies could be effective, "especially when principles of gender equity are sometimes totally foreign". Moetsabi (1998) is also sceptical of these 'empowering methodologies'. He contests these gender-sensitive approaches, as 'imposed' by institutions to communities which claim to bring social change. Using his experience of working with communities in Botswana, Swaziland and Zimbabwe, he argues that gender-sensitive development has "to be contextual to specific local cultures and the African condition, especially the African family" Moetsabi (1998:27).

Whilst there are some methodological tools available in the market which enable practitioners to translate gender awareness into practice, there is growing concern about the failure to mainstream gender into development programmes at policy, programme or project level. This issue is critical. Planners require simplified tools that allow them to feed the particular complexities of specific contexts into the planning process. Within the land sector in South Africa, attempts have been made to address this problem with funding from international donors. In Mpumalanga, for instance, the provincial DLA and other stakeholders in the land sector embarked on a two-year process of developing guidelines on integrating gender and environment in land reform planning processes with funding from DANIDA . However, the interviews conducted with provincial department officials as part of this research indicate that due to "high turnover of staff within the DLA', the new staff do not use the 'complicated guidelines developed in 2003"(Nkosi, April 2006, Interview).

2.5.1.4 Inadequate Resource Allocation

The patriarchal nature of societies and the state influence the allocation of resources and the priorities listed within institutions. In turn, this affects the implementation of programmes, as their effectiveness and efficiency is compromised. In South Africa for instance, the review of DLA's Strategic Plan, identified the absence of the provision of appropriate policy guidelines for implementation, staff shortage and budget constraints as serious gaps that the department needs to address if it is to achieve its' targets (Lawrence and Mayson

(2002:2)). Walker (2005:815) claims that this was as a result of the never-ending debates which left little time for the ANC negotiators 'to think of practical implications of implementing land reform'.

During the National Gender Summit held in South Africa in 2001 women from all sectors: including parliamentarians expressed the frustration about the 'un-gendered' national budget, and the 'low profile' that the gender agenda and the overall work of the Machinery had experienced at the time. While the budget of DLA has increased since its establishment in 1994, it was still less than 1% of the total national budget in 2003. For instance, by the end of the 2005/6 financial year, the total DLA budget was R1.9 billion, equivalent to 0.5% of the total national budget (Jacobs, et.al. 2003). However, DLA reported an 'optimal level' of operation, with the allocated resources claiming to have spent an average of 98% of their annual budget in the two consecutive financial years of 2003/4 and 2004/5 (DLA, 2005b:11). This allocation was questioned by many critics as a sign of lack of commitment by the current government to land reform (Jacobs, et.al, 2003). This critique was further exacerbated by the DLA's under-spending during the years of the already limited budget. Since the start of the programme, under-spending was reported within DLA and the gap has narrowed considerably in recent years. These budgetary constraints had implications for effective delivery of land reform at grassroots level. Due to market related land prices, it meant that the government could not afford to buy more land within a year to meet the demand. Progress on the ground since 1994 to date, is indicative of the limitations felt beyond the negotiation processes.

In addition, staff shortage was repeatedly mentioned as one of the challenges in gender mainstreaming in land reform processes. Although a Gender Unit was established in 1997, according to Wieldeman (2004), DLA allegedly 'had not yet achieved gender employment equity by 2005'. She attributes this to the complexities of gender mainstreaming and the lack of understanding of the importance of gender within the department.

These external factors form the cornerstone of policy development and had great influence in informing the principles from which land reform programmes are developed. Without a clear vision of the role of land reform in rural development, states are running the risk of developing programmes which are detrimental to the same beneficiaries they intend to 'empower'. Such programmes tend to result in unintended outcomes which defeat the purpose of their development. These factors form the context in which any implementation

of such programmes occurs; it is therefore very important to consider them in analysis. Understanding this context and overall conceptualisation of land reform programmes enables one to look critically at conditions created for addressing social inequities, in particular gender inequities. While policies and approaches might have good intentions, albeit ill-informed or partly imposed, the intricacies of implementation play a major role in effecting delivery. In this study, these are referred to as internal factors.

2.5.2 Internal Factors: Micro-Level Dynamics

2.5.2.1 Women's Involvement in Decision Making

There is overwhelming evidence in various African countries that civil society in particular criticised government for only consulting powerful groups of society in policy development processes. Marginalised groups such as the poor, youth and women have been often neglected. A study by women lawyers of Southern Africa reported similar experiences throughout Southern Africa. In Malawi for instance, the Head of State appointed a Commission of Enquiry to review land problems which "would recommend principles of an economically efficient, sustainable and socially equitable land tenure system" (WLSA, 2001:32). However, the review failed to look at the problem from a gender perspective.

In Zimbabwe, a Commission of Enquiry was appointed in 1993 to review the Land Policy developed in 1990. The report of the Commission was equally "condemned for not recommending any positive changes with respect to women's access to and control of land" (ibid:33). Lesotho, Mozambique and Zambia however made efforts in terms of their legislation to improve the status quo of women's access to land, with Zambia's exclusive quota system reserving a notable ten percent of advertised land for women. This was highly commended by gender activists (ibid: 36).

Meer (1999:77) refers to this as "the politics of policy" making through which dominant groups' interests always supersede those of marginalised groups in policy development. Hassim (2004) interrogates in detail this 'virtuous cycle' of representation in the South African context. Increasing women's participation in the political arena has been the position taken by the South African government as a way of involving women in decision making and advancing women's rights and interests.

However, such simplistic notions of participation, by merely involving a 'quota' of women in patriarchal institutions have been highly contested. Hassim (2004:338) argues that this 'thin' definition of participation is totally different from 'effective participation', which involves the effective 'articulation of interests' and 'representation' by amplifying women's voices. She does however acknowledge Goetz's cautionary note that making women's voices louder do not necessary mean that 'moral and social claims of the powerless' will automatically be strengthened (ibid).

Thus, she cautions us from making assumptions that the mere inclusion of women in decision-making processes, such as in Parliament, would translate into active and effective participation of those women. Hassim similarly makes a distinction between different forms of representation. The representation of 'self to others via collective identity' is different from the 'representation of interest' through political parties and civil society organisations (ibid: 339). Whilst the former could be advantageous to women to enter the power arena as a collective, the latter have a potential to segregate women as a collective. As Hassim (2004: 339) correctly points out; 'interest representation … may shatter the notion of women as a homogenous group as the resources claims of some women are based on their class — race disadvantages may come into conflict with the interests of other women or require privileging the building of alliances with other social actors'. These forms of representation do not have to be seen as contradictory but could be used creatively by women in advancing their interests in the decision-making power of economic and political matters, as has been found in the South African situation (ibid).

Experiences of involving women in decision-making processes in land allocation were reported to have advanced women's rights in some cases (Cross and Hornby, 2002; Whitehead and Tsikata, 2003; Walker 2005). The representation (one third of women) in local level institutions was identified as one of the influencing factors for such progression (Whitehead and Tsikata, 2003:29). Further, a dimension which should not be ignored is the participation of women in social decision making. A workshop organised by TRAC-MP in 2002 on Women's Access to Land revealed that women do debate issues of interest, such as land access, in informal settings, which are sometimes escalated to local level decision-making forums by their relatives, brothers, sons, fathers and husbands. Traditional leaders in Mpumalanga for instance, acknowledged that the "oppression of their women" (mothers,

wives, daughters etc) is not necessarily applied by all traditional leaders TRAC-MP (June, 2002). They argued that, while it has been acknowledged that there are individual traditional leaders who are oppressive to women accessing land, the 'invisible' consultations with women within households are not reflected in these debates. While these consultations at community level cannot be regarded as 'formal', consultations do happen within and between households. Women discuss these issues in their own gatherings in fulfilling their household chores, for example, fetching water, washing clothes in the river and gathering wood from woodlands. Nemarundwe's (2004: 201) research study identifies examples of networks through which villagers of Romwe Village in Zimbabwe, especially women, participate. These include burial societies, work parties (*nhimbe*), beer parties (*ndari*), well meetings (*matsime*), religious networks and tea groups. So in essence, to generalise experiences with individual traditional authorities is highly problematic as it creates the impression that traditional institutions are oppressive by nature. The contextual nature of these struggles and disputes should be taken into account (Whitehead and Tsikata, 2003: 24).

In addition, non-formal institutions and networks need to be acknowledged in these gender debates as they play a critical role among rural women in their negotiations for resources within communities. Nemarundwe's (2003:112) research study in particular, has shown how rural women used the different non-formal social networks to negotiate access to woodlands and water within the Chivi district in Southern Zimbabwe. This study also found that although the historical analysis of women's access to resources reflects the marginal role of women in decision-making processes, contemporary research reveals that 'with emergence of non-governmental organisations (NGO's), women have been more actively involved' (ibid). In South Africa, these NGO's, together with some representatives of civil society, have been instrumental in advancing women's interest in policy formulation, albeit struggles and conflicts were reported (Walker 2004, 2005; Hassim, 2004).

This study will attempt to look at these other dimensions and how the driver of the project, Aida, used them during her negotiations with different individuals and institutions to gain access, control and ownership of her farm. Also, this study will investigate how Aida has involved other project members in decision-making processes by analysing the composition and governance of the local level institution, the Communal Property Association (CPA). Similar analysis of women's representation in CPA's was undertaken by Weideman (2004)

in South Africa. She established that in different case studies of Mpumalanga and Northern Province, women in general 'are under-represented' and 'that patriarchal decision making becomes the order of the day' on CPA's and similar community structures.

2.5.2.2 Livelihood Strategies Adopted By Women

There has been an increasing realisation on the part of both national governments and international agencies that women are a central element of African food systems and that their lack of reliable access to resources is a major constraint to increased food production. Because of the challenges that these women experience in their fight for food security, they do adopt different and alternative multiple livelihood strategies for survival. For instance, Murphy (1995) in May (1999:24) identified two or more sources of income, with one woman deriving income from seven different sources. These activities involve 'an exchange process whereby services are performed or goods produced which may be exchanged for a cash income or for recipient goods and services' (May, 1999:24)46. May identified different activities which rural dwellers opt for, which include 'consumption of self-produced food or items obtained through foraging/gathering and hunting, and those which involve transfer of income and resources'. Specifically in the South African context, she categorised these activities into:

(i) Agricultural production, for consumption or sale,

(ii) Small and micro-enterprise — for example, hawking, crafting, beer brewing, making clothes, child minding, etc,

(iii) Wage labour in the primary or secondary labour market, e.g. farm workers, commuter labourers, migrant labour etc,

(iv) Claiming from the state through social security grants e.g. pensions, disability grants, child support grants, etc,

(v) Claiming from household and community members e.g. sharing income of a migrant labour or through charity.

In addition, Shackleton et.al.(1999), identified the critical role and value of livestock in rural South African areas and benefits accrued even by the non-owners in a community. Livestock rearing supplies a range of goods and services which include "milk, manure,

meat, dung as a fuel and [cleaning], ceremonial and customary uses" (Shackleton et.al, 1999:43). Within households, various members could be engaged in different activities that are sometimes linked to each other. While these strategies might 'shift' with time, based on both internal factors (for instance, job loss) and fluctuations, and external factors (drought), these activities bundled together are a means of survival for many rural households in sustaining their livelihoods (ibid:37).

Together with these strategies, these women have to fulfil their 'triple roles' to fend for their families (Moser, 1993). These diverse roles that women play, the positions they hold in society and their diverse livelihood strategies have serious implications for land and agrarian reform (Walker, 2002). As a result, the redistribution programme in South Africa has been criticised for its 'narrow view' of confining women 'in agricultural production only', without taking into account their multiple livelihood strategies in different contexts (Cross and Hornby, 2002; Festus, 2001). This study will identify the different strategies employed by Aida to sustain herself and her family during the research period.

2.5.2.3 Institutionalisation of Gender

Gender inequalities have been institutionalised in a variety of ways. According to Kabeer (1994), the underlying causes of gender inequality are not only confined to the household or family, but are reproduced across a range of institutions (the state, communities and also the market place), many of which are responsible for development policy and planning. These institutions, she argues, "produce, reproduce and reinforce social relations and thereby social difference and social inequality" (ibid). While these appear to be self-contained in reality, "they act on each other and need to be understood in relation to each other" (Hargreaves and Meer, 2000).

From a gender perspective, the post apartheid era in SA was also marked by a change in commitment towards transforming social and economic power of women. For instance in South Africa, a case of an establishment of the Commission on Gender Equality (CGE), as an institution designed to transform gender relations, has been under scrutiny (Meintjes, 2005:259). This institution was gravely criticised in a Gender Summit in 2001 for not carrying out its political mandate of monitoring and facilitating gender equality in SA's society, as expected by civil society and other related state organisations. As discussed in Chapter One, attempts to institutionalize gender equality by government were evident in the

Bill of rights, Constitution, number of women elected in Parliament, specific institutions created to advance and monitor gender mainstreaming within government and the civil society. These deliberations were welcomed with great optimism by gender activists and amongst civil society, showing that the state was committed to driver gender transformation.

However, Hassim (2003: 510) observed that some of these, including electing gender activists into political positions, 'demobilized' the large-scale movement of women leaders; hence, the 'new terrains' of (women) engagement proved to be more difficult than anticipated. The difficulties experienced were lack of power of the new institutions, lack of coordination between civil society and women ministers, resistance within government departments as well as budgetary constraints allocated to these institutions and others.

Using Child Maintenance Grant as a case, she examined the internal constraints of a 'bureaucratic culture' within the national machinery in advancing women's rights and interests (ibid: 514). Through this case, Hassim argues that a sustainable and autonomous feminist lobby in civil society is needed if formal institutions are to effectively deal with [gender] transformation (ibid: 507). She argues that it is unlikely that the formal structures can advance women's interests and challenge the state polices from within. Thus a 'feminist voice' outside the state has a legitimate role to play.

As a matter of fact, there is a growing opinion that these institutions, which were established to drive the gender agenda in the country, rather entrench the existing gender disparities in South Africa (Meintjies, 2005; Walker, 2005). It is important to complete an institutional analysis so as to trace how these institutions are able to empower women. In this study, the various institutions which were involved in the implementation of the project will be analysed and assessed as to how they contributed to the empowerment of the beneficiaries.

2.5.2.4 Women as Agents of Change

An important challenge at the heart of the dilemma of promoting women's access to land is the perception of the low self-esteem and the submissive nature that rural women hold. Cross and Hornby (2002: 25) have found that most rural women from Mpumalanga, North-West, Northern Province and the Western Cape provinces of South Africa were

perceived as "timid and unwilling to challenge men's authority". Government officials in the sprovinces have noted women as very shy' (Nyathi, April 2006, Interview). Moetsabi (1998: 24) attributes this inferiority complex to "the survival strategy that has been perpetuated by the colonisers (and by most independent regimes bent on extending their rule by hook or by crook), which has created the impression that literacy, rather than the spoken word, is education. She describes it as, 'a dependency that is shaped by a very deep system of beliefs and cultural practices…over the years of slavery, colonialism, apartheid and patriarchy'.

Different perceptions have been assigned to marginal groups who present such behaviour. Scott (1988: 242, 45) refers to this type of behaviour among subordinate groups (or peasants), who avoid confrontation or 'words of war' when they know that they have a lot to lose, as 'cautious resistance and calculated conformity'. Scott studied a rice farming community in a Malaysian village, 'Sedaka' (not its real name), for 14 months to study everyday forms of resistance between peasants and those who seek to extract labour, food, taxes, rents and interests from them. He termed these forms as 'weapons' of relatively powerless groups, such as 'foot dragging, dissimulation, desertion, false compliance, pilfering, feigned ignorance, slander, arson, sabotage, etc' (ibid: xvi). These weapons are characterised by common features; they often represent a form of individual self help, require no coordination or planning, and they often avoid any direct, symbolic confrontation with authority (ibid). These groups usually adopted an alternative strategy of 'avoidance protest' which proved more attractive than the risk of open confrontation.

Similarly, it could be argued that women are not necessarily timid or shy, but in public life, i.e. in power-laden settings, they use a 'carefully calculated conformity'. On the other hand, Villarreal (1992) refers to this as 'active resistance'. As she puts it: 'Those labelled as powerless or oppressed within specific circumstances, are not utterly passive victims, and maybe involved in active resistance'. The 'powerful' are not in complete control of the stage, and the degree to which they are also themselves forged by the 'powerless', is not to be disregarded'(ibid). Therefore, in order to perceive rural women, or any subordinate group as 'oppressed', 'disempowered', 'inferior', 'submissive' and/or to refer to them as 'victims' is entirely problematic.

It is important to note that whilst the internal factors identified can be seen as obstructive (or as? constraints), women have used some of them to their benefit. Whilst women,

particularly rural women, can be perceived as submissive or passive victims, this resistance could work for them. Whist the beneficiaries of this project could be categorised as poor, illiterate, with rural background, the strategies used as a form of resistance to challenge authorities in realising the dreams of owning a farm are identified. The persistence, negotiations and struggles can be regarded as the 'hidden forces' that represent the 'weapons' which the marginalized groups, such as women, use in situations of dire need (Scott, 1988); Luke, 1970). In this instance, these 'weapons' are a part of the agency of women.

2.6 The Role of Civil Society in Post- Apartheid South Africa

According to Welch (2004:208), generally African NGOs in partnership with international NGOs have played an important role in the process of building a human rights culture by documenting abuses and monitoring government policies. During the apartheid era in South Africa, civil society comprised of 'organizations and structures that positioned themselves outside of the state', because they challenged the 'undemocratic and exclusionary character' of the state (Greenstein, 2003:12). Civil societies perceive themselves as changing the distribution of power in order to bring about a democratic system of governance. Greenstein however cautions against looking at civil society 'as a magical solution to all social problems' (ibid: 15). He argues that civil society has different elements within it that can act together with other elements in other sectors, thereby pushing different agendas.

In the struggle for democracy, Greenstein pointed out the historical differences of the role of civil society in South Africa and Eastern Europe. He stated that, whilst the European civil society focussed on the 'existence and powers' of the state by challenging the states' 'prominent role in economic, social and cultural life', the South African civil society's concerns were more on the 'policies and priorities' of the state, and not on the 'prominence of the state as such' (ibid). Welch (2004) further differentiates the role of NGOs from Government as … "[government] functions as muscles and skeletons of human rights enforcement…unless the attached muscles are impelled into action, bones do not move... [In that sense] NGOs are the requisite impellers" (ibid). Saldhana (2004: 210) therefore refers to them as 'not non-governmental, but anti-governmental'.

There are divergent opinions about what role the civil society in South Africa should play. Whilst others see their role as that of contributing towards poverty alleviation through service delivery, others see their role in policy formulation. In this sense they should play a complimentary role to government. This view was supported by Emile de Kock in his interview; 'NGOs cannot be watchdog's of government…they are the most insightful sector, are almost field experts… they should be informative…an instrument to communities, government and media without being antagonistic' (Interview, 26th April 2006). In this regard, Greenstein advocates the need for partnership between civil society and the state as both sectors have their strengths and limitations (Greenstein, 2003:28). He argues that opportunities for collaborative and complimentary strategies do exist, as long as both NGOs and civil society share similar goals of 'efficient and comprehensive service delivery' (ibid). However, the state and NGOs cannot be necessarily seen as mutually exclusive, as there are forces within these institutions which influence each other. In the 1980s, a collective of the South African organisations shared the common goal of overthrowing the apartheid government. Greenstein alerts us to understand these changes as embedded within the context of regional and international environment. He argues that several factors influenced the relations of the state and civil society in South Africa. International factors include, 'tighter integration of markets, the decline of welfare state in the West, the collapse of socialism in the East, and the disillusionment with the state-oriented development paradigm in the South' (ibid). In an African context he pointed out that in the increasing incapability of the states to deliver services, the growing authoritarianism observed throughout other African context could not be ignored in understanding the South African context.

The size and scope of NGOs in South Africa has been reported by Greenstein with detailed analysis of figures (2003:22-4). He reported that in 2003 there were about 100, 000 NGOs and CBOs in South Africa, the majority (53%) of which were community based and only about 11% were categorised as NGOs (*Section 21 Companies*). Of these 22% were involved in social services. This sector was estimated to be the major employer, half of the employees full time and the rest were volunteers and part-time. However, most of them were challenged to change their character by late 1990s due to the democratic changes in South Africa. One of the challenges faced by these NGOs then, was that international donors redirected their funds to the state, which resulted in some NGOs collapsing. The

survivors of the 'donor flights' redefined their role as 'watchdog of the new government, independent monitor and champion of the marginalised' Saldhana (2004: 210).

A contentious issue is the role played by non-governmental NGOs in land reform. NGOs have played a major role in mobilising communities around land reform, claiming to bring voices of the rural communities to the forefront of policy formulation. In South Africa for instance, the establishment of the National Land Committee (NLC) in the early 1990's and a coalition of land rights NGOs was an achievement in mobilising rural communities, so as to raise the "unheard voices" of the poor and marginalised groups in the national political agenda. Amongst these "unheard voices", women, especially those living in rural areas and farms, consistently continued to call on the decision makers to take their needs seriously. Most of these women however, were unreachable by NGOs who were mostly located in the urban areas of different provinces. Amongst others, their plight included household livelihood issues, unemployed youth, hungry children, diminishing natural resources, equal opportunities, non-arable land and access, and the control and ownership of these natural resources (water, land etc) (See Appendix 2.1).

Despite this limited capacity, extensive mobilisation occurred to strengthen women's rights in general, 'while raising broader questions about the meaning of gender equality in a culturally dynamic, unstable society' (Walker, 2005:297). The NGO sector played a critical role in educating women about the opportunities opening up to them, and helped build women's organisations at local level. However, the dominant voices in this sector tended, as could be expected, to be urban rather than rural. In addition, NGOs battled to redefine their role in the post-apartheid era and to secure alternative sources of funding, as the level of donor support became in favour of direct aid by donor countries to the government (Walker, 1998). As a result, the level of organisation of most NGOs in the land sector weakened through the years.

Despite this dwindling future, various processes have been initiated by NGOs and civil society in South Africa. For example, efforts were made by National Land Committee (NLC), Rural Development Services Network (RDSN), and Environmental Development Agency (EDA) and The South African NGO Coalition (SANGOCO). These organisations collectively aimed to organise rural sector organisations of civil society located in the provinces, regions and at grassroots level, so as to engage with government on issues pertaining to rural development (Songelwa, 2001). One historical intervention was the

establishment of a Rural Women's Movement which started in 1986, which is still quite active at grassroots level in provinces like Mpumalanga, Gauteng, Northern Province, KwaZulu Natal and Northwest.

An example of mobilisation of communities was the birth of The Rural Development Initiative (RDI), a collaboration of organisations which included The Community Outreach Education (TCOE), The Environmental Monitoring Group (EMG) and the Initiative for Participatory Development (IPD), which resulted in a national conference organised in Bloemfontein in 1999, and the development of the Rural People's Charter (Greenberg, 2000). The RDI process had two main outputs: A Rural People's Charter and a Rural Development Policy Framework and Implementation Plan. The Charter was developed and adopted at the National Convention of Rural People, and it expresses the interests and concerns of people living in rural areas of South Africa.

Even in these processes, putting gender in the centre proved to be a daunting task for gender activists (Hargreaves, 1999). The Rural Peoples Charter (1999) set out some key demands that included those that will restore dignity and freedom for women (see Appendix 2.1.) Another national initiative, the Landless People's Movement, resulted in the development of the Landless People's Charter, which was as a result of the preparation of the World Summit on Sustainable Development (WSSD). More than 3 000 landless delegates from communities across the country adopted this Charter, supported by allies from Brazil and the SADC region at the Landless People's Assembly held in Durban on 30th August 2001 (see Appendix 2.2) In this document, demands specific to women were mentioned. Although it may be fair to assume that many of the issues covered in charters would relate to conditions that rural women are subjected to, the problem lies in the fact that listing needs and aspirations is but one step. Active and ongoing participation in programmes by excluded groups, including rural women, and in the formulation of alternative solutions based on local realities, is also crucial.

Throughout the years, NLC and its affiliates, together with other civil organisations, continued to organise events which advanced the plight of rural women to discuss strategies of organising themselves and to learn from each other about ways of overcoming challenges that rural women are faced with in the areas where they live (Songelwa, 2001). These NGO's initiated programmes which promoted gender consideration in land reform

planning processes. TRAC-MP for instance, received funding for three years (2001-2004) from the Danish Government Agency, DANCED, to develop a toolkit for implementers in the land sector for this purpose, as did other land rights NGOs in the country.

Despite the NLC dissolution in 2003, it played an important role in training officials who were subsequently absorbed into government as planners. Whilst this work could be seen as bottom-up mobilisation on the part of NGOs, other commentators were very critical of the impact of this intervention within rural households and societies. Moetsabi (1998) questioned these 'empowering methodologies' of gender mainstreaming as impositions by institutions to communities. The 'social change' they claim to bring is seen by others to be insensitive to traditional cultures and norms.

Nauta (2004) identified four myths associated with NGOs. Firstly, he questioned the the autonomy and independence of NGOs. Since some NGOs are contracted by government, their degree of dependency on government coud be extensive. Those funded by external donors are largely dependent on their donors which have a say in the running of the projects they fund. Their dependency from communities is also questionable. The image created from the earlier interventions haunt the NGOs present and future. If they did not have a good reputation in the past, their entrance could be questioned and frowned upon by the communities. Thus NGOs cannot be viewed as entirely independent as they are shaped by different actors in context. Secondly, Nauta (2004) argues that the participation, accountability and democracy of NGOs cannot be assumed. NGOs also have problems in bringing large numbers of people together, especially if it's a big community. It is also questionable whether the representatives present filter information through to everybody. Communities battle to attend routine meetings because of long distances and lengthy meetings which disrupt their daily schedules, and usually it is only those who benefit (monetary, contact people, favours, etc.) from the NGOs who usually attend.

Pottier (1997) contends that the participatory workshops normally organized by NGOs are 'structured encounters marked by hidden agendas' because NGO's usually determined the agenda beforehand and extract the information they need from the communities. Moetsabi (1998) supports this position. From her experience of working in the field, she claims that field workers are trained within institutions (including NGO's) to extract information from the communities for their own reporting and benefit, and to satisfy the funding agencies'

needs. The tools used are literally 'imposed' on these. Secondly, poor, uneducated people usually are not aware of the strategic intervention of the NGO, so cannot participate in the agenda. The participation process cannot be seen as democratic because the officials, being accountable for reporting to their offices, control the funds and the running of the projects. In addition, Nauta contends that there are inherent flaws in the terminology used in NGO's such as 'community', ' empowerment', 'bottom-up', the 'poorest of the poor', 'grassroots' and 'household'. Thus, their agenda is not purely in the interests of the community but of the donors.

Another myth is the assumption that NGOs are voluntary organisations which are not value driven and Board members are normally volunteers (with paid petrol). Nauta disagrees with Korten (1990) and says that it is possible to find voluntary NGO's which are value-driven, and public servant contractors in which values play no role; he argues, 'professionalism' does not necessarily translate into 'better', efficient or effective' operations. Nauta (2004: 265) argues that it is possible to combine political values, moral values and societal values with an increased drive towards professionalism. However, the problem with Nauta's perception of NGO's is too rigid. NGO's can neither be too professional nor too voluntary. As much as they have to account to their donors, their programmes are also oriented and guided by the communities in which they operate. But, it is important to highlight the failures of NGOs as well. The failures do not warrant the conclusion that NGOs are useless; they have a role to play and the capability to bring issues to the attention of others at local, regional and national level. As it were, society benefits from a strong state which is critically monitored by a strong civil society; hence, the need for donors to invest more rather than less in NGOs. But, the role of NGOs should not be romanticised. Chapter Six highlights the critical role which was played by TRAC-MP, a land rights NGO in the Mpumalanga province in the implementation of this project.

2.7 Conclusion

This chapter discussed the theoretical framework which informed the undertaking of this study. The first section identified the key concepts which guided the analysis of this study. Because land reform is a political process, it can never be neutral. Rather, "it lies at the heart of social relations at different institutional levels" (Hargreaves and Meer, 2000). Thus,

it is subject to the different contextual environmental issues for which it is designed. Development approaches like land reform cannot achieve their objectives without addressing the issues pertaining to women's access to land. Gender issues matter because of the central role women play in "mediation of household welfare and nutrition through their participation in the production, processing, preservation and preparation of food" (CGIAR, 1986:4). Such issues include women's position in society, securing their land rights, and how their voices are advanced in policy development processes. The impact of killer diseases like HIV/AIDS has increasingly been a burden for women, especially those in rural settings who are further away from basic resources. Thus, policy and its implementation have to take cognizance of such challenges faced by women.

The chapter also differentiated external and internal factors which affect women's access to land. These factors range from policy formulation to implementation at community level. The literature reviewed revealed that there is a wide gap between these factors. The chapter argues that internal factors which are the focus of this study rarely feature in policy formulation. The literature review confirms Waterhouse's (1998) study which identified factors which mostly affected rural women's access to land in Mozambique. These include 'access to information, practiced customary law, participation in local meetings and the women's social status', as major challenges to facilitate women's use of their formal rights, to inherit and directly control the land they farm.

The following chapters will identify these existing gaps in the South African land reform programme, with particular focus on how it has achieved (or not) its gender equity goal by empowering the community under study. The study will focus on:

(a) Policy understanding of the dimensions of power;
(b) Participation on the ground;
(c) Role of different institutions in facilitating policy implementation, and the
(d) Factors (internal and external) which affect women's access to land.

The next Chapter introduces the policy framework of gender and land in South Africa.

CHAPTER THREE

GENDER AND LAND POLICY REFORM IN SOUTH AFRICA

3.1 Introduction

Since 1994, South African citizens have been overwhelmed with a variety of laws and subsequent policies developed by the government in an attempt to redress the country's past discriminatory practices and imbalances. These laws and policies had to be aligned with Constitutional principles, failing which they were likely to be struck down through the Constitutional Court. Amongst these, land reform was on the government's priority list. Noticeable conflicts on issues of gender equality, land reform and cultural rights started as early as the 1990s.

Walker (2005:299) is tracing these constitutional struggles since1993-4. As she succinctly pointes out; 'this period saw an upsurge in the politics of traditionalism' in which 'traditional leaders organized themselves around a conservative, patriarchal Zulu Nationalism' to control the province of KwaZulu Natal. On the other hand, diverse (in terms of class, race and ethnicity) women activists formed alliances through the Women's National Coalition (WNC) to advance women's rights and challenged the exemption of the customary law from the equality clause in the Constitution. This battle was won by women activists, at least in ensuring that the final constitution gave gender equality "precedence over other rights, including cultural rights" (ibid).

This chapter focuses on how gender transformation has been positioned in policy debates crucial to shaping the context in which the land reform programmes in the post-apartheid era were conceptualised. The chapter argues that the programme's intended gender equity goals remain rhetoric within the government department (DLA), supporting earlier assertions by Hall (1996), Meer (1999) and Walker (2002, 2005). Changes in formal laws alone are not adequate to enable rural women to claim their rights. While some gains have been made legally (albeit struggles and tensions created) to foster gender equality, it is changes at local level and "the organization of women and community education", which

will leverage genuine potential gains for women (Mann, 2000:38). At this stage, let's look at why it is important to address gender issues in general.

3.2 Why Does Gender Matter?

Gender issues matter in development processes because of the central role women play in "mediation of household welfare and nutrition through their participation in the production, processing, preservation and preparation of food" (CGIAR, 1986:4). In pre-colonial times, women enjoyed status and authority because they were agricultural producers. Walker (2002:9) argues that "under the pre-capitalist economies of the Sub-Saharan region, land had a very different meaning from what it has today". Access to land was used as the basis of life for growing crops, running stock, hunting, access to water, gathering wild foods, fuel, building material and medicinal herbs.

Over time, land became a 'commodity that was owned' by the European powers; it was a "repository of value under capitalist relations of production" (ibid). Walker claims that this transformation to 'market dominated economies' brought about changes in men and women's access to land and their relationships to each other within households and communities, as they were confronted with "multiple pressures and far-reaching processes of change" (ibid). Hence, land developed to have a different value with 'new meanings'.

The changes brought about during colonial times saw women losing their status. In South Africa, men and women experienced poverty and dispossession differently during apartheid. Changes in law over time prohibited women from having access to land due to migrant labour and apartheid, because farming became "less important to the economy" (Baden et.al, 1999). Most women in rural areas depended on traditional authorities and on their relationships with men (husbands, fathers and sons) for access to land. As a result, women (particularly rural women) faced a variety of problems (Claassens, 2007). Some women were evicted after divorce or death of husbands, whilst others became vulnerable to abuse and violence. Women's interests and needs were undermined by husbands and there was lack of participation of women in decision making structures. Single women were reported to be more vulnerable.

International reports provide evidence that suggests that most income under women's control is spent on household welfare, nutrition of children and vulnerable members of the

family, and on personal security (ibid: 3-4). As has been discovered, in countries like North India and Bangladesh (and China), the income controlled by men does not necessarily translate into better welfare for women in a household (ibid). On the other hand, women's access to paid labour is restricted based on their more limited access to education and women tend to earn less than their male counterparts.

In South Africa, for instance, when compared to men of the same race and class, women are generally disadvantaged with regard to access, use and control of resources. Reports indicate that by 1999, women workers generally earned only 72% to 85% of what men with similar education did (Baden et. al., 1999). The report further mentions that women in this country tend to be employed more often in service, trade and finance sectors (usually in low skill and low paid occupations) whereas men dominate mining, utilities, construction and engineering. South Africa's agricultural sector and the women's involvement are different from the other Southern African countries (Walker, 2001:24). Walker reports that in most sub-Saharan countries, women's labour in the agricultural sector comprises about 46 % of the 68% of total agricultural employment. In South Africa, women practicing small- scale agriculture is much less than the Eastern Africa. In this sector, which employs farm workers, most of the women are employed for the lower paid jobs. In 1991, about 75 percent of African farm workers earned less than R250 per month, with women earning only 57 percent of the men's wage (ibid). The South African government has since passed a labour law which determined the minimum wage for agricultural workers of R800; however, enforcement of this law is very poor. Some farmers evicted South Africans and opted for cheap labour by employing immigrants from the neighbouring countries such as Zimbabwe and Mozambique.

African women constitute the poorest sector of the overall population, with the majority unemployed and living in impoverished rural areas. In 1993, about 70% of rural African women lived in poor households compared to 64% of rural African men (Baden et.al, 1999). Since women spent most of their time on household chores, their money tends to be spent on child care, food production and household maintenance, conventionally regarded as non-productive activities because they are not paid labour.

The difference between productive and non-productive work is guided by International rules of the Systems of National Accounts (SNA). These rules determine that basically, productive work is paid activities and non-productive work is non-paid work. These rules

also determine what productive activities should be included in the calculations of gross domestic product (GDP) of a country. All market related production of goods and services and non-market production of goods are included. For instance, estimates of value of subsistence production such as the collection of fuel and wood are included; however, the estimate value of housework, childcare and community work are not included. All work counted as GDP is paid (i.e. productive) and if not counted, is not paid (i.e. unproductive).

In 2000, South Africa conducted a survey with 15, 000 individuals to determine how much time is spent by people on productive versus unproductive work (Budlender, 2003:15). The evidence indicated that:

a) Women's work in which they spend more time on tends to be not counted in the GDP.
b) Men tend to spend longer time on work in establishments equivalent to formal sector work which results in significantly higher incomes.
c) Women tend to do more than twice as much housework than men;
d) Women spend eight times as more work on taking care of persons such as children, the elderly as well as HIV/AIDs sufferers.

Even in prosperous countries, wealth is unevenly distributed, with women being the most vulnerable group. In South Africa for instance, the data collected from rural and urban households in 2000, reveals that the amount for both income and expenditure of the male headed households is more than double that for the female headed households (Budlender, 2003:5). The mean annual income of male headed households was R57, 000 compared to R26, 000 for female headed households. The mean annual expenditure for male headed households was R51, 000 compared to R23, 000 of their counterparts.

Of the 30 000 households surveyed, about 52 percent of the African households were headed by men, whilst only 38 percent were headed by women (Budlender, 2003). Comparing white and African people in South Africa the figures show stark discrepancies. About 79.1 % of white households headed by men spent about R3,500 per month whilst only about 2% of African households headed by women spent the same amount. Only 17% of African women are in the wealthiest quarter compared to 66% of white men. The data also indicates that women are the most vulnerable within races in South Africa. For instance, about 21% of African males are in the richest households compared to 17% of

African women, while 43% of African men were in zero earned income group compared to 47% women (ibid:9).

In recognition of the above status of women, several countries have acknowledged the need for the protection of women's rights in their constitutions. However, a review of the constitutions of six Southern African countries reveals that while the Bills of Rights guarantee individual rights (including citizens' rights to access and control resources), 'the discrimination on the basis of culture or custom in terms of inheritance is still allowed' (WLSA, 2001:37). In terms of entrenching women's rights, these constitutions are generally viewed as 'flawed' in their making, in that they subscribe to democratic principles in which 'the rule of majority' governs, which mostly does not represent women's interests (WLSA, 2001:39). This position is supported by some South African researchers who have argued that the gender clause is particularly strong in the constitution, but also view the outcomes of South Africa's Constitution as a provision of 'the middle ground' between 'different key actors, mainly consisting of political parties and legal experts', without women's representation (Meer, 1999; Walker, 2003; Hassim, 2003).

3.2.1 Divergent Gender Goals

Whilst there is general acceptance among gender activists and researchers that gender transformation is critical in developing countries, there seems to be differing views on what form it should take. It is always "interpreted differently by persons within particular social contexts and with particular orientations to the social world" (Murdock, 2003). Murdock observed that in Colombia, 'the gender perspective' discourse is used differently by state officials and local feminists. When used by state officials, Murdock (2003) noticed that the theory is used to 'delegitimate feminists', critiques of 'essentialised' linkages between femininity, women and motherhood.

There are various strands within feminist theory. These are shaped by the social (and political and economic) contexts in which feminism emerges. While 'radical' feminists see 'reproduction and sexuality as central to sexist oppression', the 'liberal' feminists believe that women's greater participation in traditionally conceived economic and political practices would resolve gender inequality Murdock (2003).

An important difference worth noting is that gender is treated differently by women who work within the state and those who are located in community-level gender activism. Leavitt (2003:17) points out that these differences exist even amongst women leaders, which further shapes the type of programmes developed. She claims that women who are professionally trained are shaped by their professions, and differ in leadership from those who entered community development through activism. While the latter "tend to emphasise organising and mobilising", the former have a more "procedural style" (ibid).

In the South African context, Hassim (2003:512) argues that these have an impact on commitments to gender equality, because women appointed on gender focal points in government departments have 'little interest or no knowledge of principles of gender equality'. They see their positions as advancing them for career mobility. She cited examples of (what she refers to as) 'career bureaucrats' who expressed either resentment in their positions or indifference to their "political task of equality, waiting for instructions from the national office of OSW" (ibid). The implications of this is that these 'career bureaucrats' are not taken seriously within the departments and also lack authority to influence policy formulation. For instance, all of the gender focal points were appointed at a junior level (at assistant director level) in Mpumalanga Province.

Women with experience of activism who were appointed and or elected into state departments and institutions after 1994 are reported to have struggled to influence policy making 'from within' (Hassim, 2003:511). This was basically due to either lack of management skills to translate gender equality into meaningful programs or the hostile environment they found themselves in with their colleagues who were opposed to gender mainstreaming (ibid). These women tended to focus on their struggles within the state than to build broader networks with women's organizations outside the state. This further alienates them from both the colleagues within the states and with the broader constituency outside the state they claim to represent, thereby further weakening the bond between the state and civil society critical for policy formulation.

3.2.2 Conceptual Shortcomings

Land reform programmes, like similar policies in other departments, translated the gender equality into clauses of 'gender goals', 'target groups' and 'empowerment' embroiled in

their official documents. As a result, subsequent debates and commentary in the country questioned the DLA's approach and the general conceptualisation of gender equity by the DLA. Hargreaves and Meer (2000: 266-7) in particular, identified 'distortions and inconsistencies' underpinning a conceptual understanding of gender and land reform within the DLA's Land Reform Policy. They claim that these have been highlighted through various forums to the department since 1996.

Hargreaves and Meer (2000) identified the following shortcomings. Firstly, the focus on redress (in general, and including in land reform) has been on race with historically disadvantaged black people as un-gendered. This is problematic in that, women and men of similar race or class do not experience access and control over resources equally due to gender relations prevailing in societies. Secondly, the distinction should be made between 'women participating equally and achieving equal rights in land' and 'equal, but independent rights to land'. They contend that DLA's formulation of 'equitable opportunities to both men and women, by giving priority to women applicants' implies that women's rights are equal, but only in relation to male partners, family members or community members (DLA,1997a: 12). This has led to some arguments among gender activists that the policy does not deal adequately with the question of women's independent land rights and the state's role in advancing this participation. Hargreaves and Meer further challenged the department to spell out the importance and the vision of gender equity and its relation to land (ibid). Without this rationale, they claim that 'policy instruments and implementation systems … will result in a policy that is not gender equitable'. Thirdly, the policy also emphasizes 'the legalistic nature of policy approach', in that it focuses on removing legal barriers to women's access and ownership of land and does not deal with the unequal power relations between men and women and how the land reform process will shift these powers. Fourthly, the unit of analysis and distribution of benefits as a household was seen as entrenching the existing gender inequalities, because it assumes the household head to be a man. Lastly, gender and women are conflated throughout the policy document, with poor rural women placed on a subordinate position. Hargreeves and Meer argue that this position obscures the complex unequal gender relations as it does not account for the power relations which marginalize rural women.

Furthermore, various researchers have identified that conceptual misunderstanding or misinterpretation of gender equality among different government agencies, institutions and

individuals is a major problem in achieving the gender goal in South Africa (Hall, 1998;, Walker, 2003, 2005; and Meer, 1999). Hall (1998) identified the following as limitations of the South African Land Policy outcomes. She argued that the 'dichotomy of equity and productivity' as reflected in the policy objectives throughout the document is rather 'misleading and destructive', as it "points to the flawed understanding of equity as inimical to productivity" (Hall, 1998: 454). Her point is that, whilst equity can promote productivity, it is not necessarily true vice versa. Her view is that this misunderstanding came as a result of the division among land reform actors with divergent views during policy formulation, those who advocated social justice, and those who were concerned with growth in the rural economy through the emergence of commercial black farmers.

Hall also identified the 'competing criteria' for land redistribution as another limiting factor stated in policy priorities. The irony is that women and the marginalised have been identified as target groups. At the same time, government also intended to prioritise "projects which can be implemented quickly and effectively", without clear guidelines on how these can be prioritised (DLA, 1997: ix). She argues that 'speedy delivery' has the potential to compromise the gender equity goals in practice, particularly because the identified targeted groups are the ones less likely to have access to resources such as information, literacy, education, business skills and so on. She observed that the way inequity has been dealt with throughout the document is problematic, in that women have been 'added on into an un-gendered policy' and the gender relations 'are not politicized'. In addition, (Hall, 1998:457) observed that the policy often does not refer to women in certain categories of beneficiaries such as 'labour tenants' and 'farm workers and that the term 'gender' appears in certain sections and is absent in others.

Walker's (2003:127) viewpoint about the DLA's policies however is not about targeting women as a specific category, but is about the fact that DLA failed to address critical issues which include; specifying general appeals to gender transformation, specifying when and in what way policy interventions should target women, and recognizing the limited impact of a single [land reform] project on multifaceted social relationships. Meer (1999: 77) refers to this ambiguity as a 'piecemeal approach' to women, which 'sidesteps the main issue of women's rights', thus neglecting to address women's independent rights and the state's responsibility to advance this. As a result, Meer's overall perception is that "gender is not a central analytical concern in the formulation of the policy, and tends to be added on to an

analysis that hinges on an understanding of race as the main stratifier of social relations, and the prime determinant of resource and power base" (ibid).

Overall, there is an assumption that gender equity is a product of land reform without recognizing the limited contribution the land reform can make on empowering women in a wider socio-economic context. The DLA has in general failed to "analyse the specific contribution of land reform to the fundamental transformation of gender relationships that it presents as a goal" (Walker, 2003:128). Given the fact that the role of DLA ends once the land has been transferred, the real transformation on gender relations will happen long after it has intervened. Walker argues that the strategic realities of *"How important is land compared to other resources such as jobs, education, health services etc? What types of land or projects would best empower women?"* have not been fully considered by the DLA (ibid). So, Hall (1998) argues, with this poor conceptualization of gender issues within the policy, it is unlikely that the policy will achieve its intended vision of equity.

These different contextual meanings of the terms 'gender', 'gender perspectives', have wider implications on how the gender agenda is interpreted throughout the development programmes throughout the world, in particular with regards to translating gender equity goals . Hassim (2005:340) contends that the conceptualisation of 'gender equality' in policy formulation is not adequate to liberate women in the democratic dispensation. She argues that in the apartheid era, a clear distinction was made between formal equality, (through which equal rights and opportunities would be attained), and substantive equality, (which entails transformation of economic conditions to produce gender equality). She asserts that 'since 1994, there has been little debate on what gender equality would entail'. Thus, liberation for women is limited, especially if it does not address "social and cultural dimensions of inequality" (Hassim and Albertyn, 2003).

3.2.3 Women's Voices in Policy Debates

Even after 15 years of democracy in South Africa, the debates around gender issues on policy formulation have been widely documented (Claassens, 2003; Hassim, 2004-5; Walker, 2005), both within the land sector and the country in general; these continue to surface with no consensus on the direction to take. As mentioned in preceeding sections, several strategic moves were employed by the democratic government since 1994 that

raised levels of optimism among gender activists that the state was willing to redress gender inequalities. In addition to the different gender goals and the poor conceptualization of gender within the land reform policy, representation of women's voices in policy debates was a crucial factor in determining the country's shift from apartheid to democracy in which women's interests are equitably considered.

Hassim (2004-5) explores the South African experiences of women's representation in legislative and policy reform. Hassim makes a differentiation on how women's voices are represented, either through participation or representation (ibid, 338). pParticipation is the mere presence of women in decision making structures, such as in parliament or lower level structures of implementation. The assumption of this approach is that inclusion of women in these structures would translate to recognition of women in patriarchal (and political) institutions. This participation does not consider how effective women are articulating their interests in these institutions. Representation on the other hand takes two forms namely:

a) The representation of a person by creating a collective identity and

b) The representation of interest through parties and civil society organizations (ibid). South Africa's involvement in political and community arenas seems to be focused at this level of participation with emphasis on 'quotas' and the 'number of women' in decision making structures. Hassim's viewpoint is that, this representation, as experienced in South Africa, at least, is the 'weakest and simplest version' as it is not legislated but is a voluntary notion of the individual parties; moreover, this representation does not guarantee any effective representation within the structures.

Whilst at political level there was this recognition of women's representation in general, there were noticeable discrepancies of how that representation was understood in reality. As mentioned above, there were also considerable legislative gains for women. In addition to the representation of women in Parliament through the African National Congress, South Africa passed several pieces of legislations which provided favourable conditions for women between 1994 and 1999. These included the *Termination of Pregnancy Act of 1996*, the *Domestic Violence Act of 1998*, the *Maintenance Act of 1998*, and the *Recognition of Customary Marriages Act of 1998* (Hassim, 2004-5:342). However, representation of women during policy formulation became a debatable issue.

Hassim (2004-5) highlighted the tensions which emerged among those who represented voices of women between and within political parties and civil society during policy formulation. As early as 1994, differences between women in Parliament emerged as they were trying to understand the parliamentary processes. Firstly, it was difficult to establish a common ground for multiparty representatives for women in parliament. Hassim reports that the tensions between the Parliamentary Women's Group (a multiparty women's Caucus) and the ANC Women's Caucus were particularly noticed during the introduction of the employment equity legislation. In this instance, the differences were based on their political interests with the Democratic Party (DP) opposing 'the imposition of the strong labour market regulation' whilst the ANC women advocated for the recognition of women as a disadvantaged group in the new legislation (Hassim, 2004-5: 343).

Secondly, a multiparty Joint Monitoring Committee on the Improvement of the Quality of life and the Status of Women (the JMC) was established as a result of South Africa's signatory to the United Nations Convention on the Elimination of Discrimination against Women (CEDAW) in 1995. This committee made strides to involve gender activists outside government to lobby for policy changes. Amongst others, this committee was instrumental in enforcing that the HIV/AIDS pandemic becomes one of the government priorities after it conducted its own independent assessment through a series of public hearings and expert submissions. These lobbying activities did not come without challenges as some women MP's compromised their positions by challenging their own political parties and presidents in the process (Hassim, 2004-5: 343).

There were other strong representatives of women's voices outside Parliament which influenced legislation. Hassim reports that the Reproductive Rights Alliance appointed a lobbyist to work in Parliament during the period of establishment of Termination of Pregnancy Act. The passage of this legislation in particular was based on the strong relationship between ANC and activists in civil society. But, with the political processes surrounding the *Domestic Violence Act (1998)*, it was the former gender activists (men and women) of the ANC who supported the passing of the Bill (ibid: 435). Even with this legislation, it was a partnership between the government and civil society that formed a National Network on Violence Against Women that became the centre point of women's voices.

In relation to land, Walker (2005:298) and Hassim (2004-5) reported the heated debates which occurred during the development of the *Communal Land Rights Act (CLaRA)* among institutions, including the Commission for Gender Equality (CGE), land sector NGOs and community groups. While some institutions argued that 'the legislation would entrench the powers of undemocratic, patriarchal traditional leaders over communal land' which will result in failure 'to secure the tenure rights of women and ultimately undermine the livelihood strategies of the rural poor', some government officials refuted these arguments.

Rural women's voices during the passing of this Act were organized by the National Land Committee (NLC), and other NGOs and PLAAS. However, parliamentarians disputed the legitimacy of the representation by these NGOs and resulted in their voices not taken seriously due to the perceptions that they were either 'ultra left' critics or representatives were young and urban based to represent rural women's issues and challenge customary practices (Hassim, 2004-5:334). Even women parliamentarians were not vocal in support of the Bill within Parliament. This led to a perception that women's interests are not represented in Parliament despite the increasing number of women elected in political parties. Rather, the 'women MP's 'are accountable to their political parties than to their constituencies (ibid: 356).

These assertions provide evidence that women's interests are marginalized during policy formulation in South Africa. Weideman (2004) supports this notion. She pointed out that, policy developers and implementers failed to take into account socio-economic differences (such as gender), because 'a variety of factors relating to women's social position, including traditional authorities, domestic violence, marginalization, time constraints and inability to compete financially on an open market' have not been considered prior to and during land reform process (www. Gwsafrica.com:14). It is thus important to investigate over the years whether the resultant legislations are able to make any changes through project interventions, such as LRAD projects, especially whilst South Africa's democracy is at its infancy — hence the undertaking of this study.

This section basically provided a background on justifications for dealing with gender issues in policy formulation and how gender has been conceptualized in the National Land Policy. The next session takes a step further and focuses on how the Department of Land Affairs translated the national gender equity goals into practice.

3.3 The Land Reform Gender Policy

The commitment of the African National Congress (ANC) to gender equality can be traced as far back as 1955 when it adopted the Freedom Charter which embraced a non-racial, non-sexist and democratic South Africa. The Charter stated that the rights of the people shall be the same regardless of race, colour or gender. In 1994, when the African National Congress assumed power, gender issues were highlighted in President Nelson Mandela's speech. He stated "*Freedom cannot be achieved unless women have been emancipated from all forms of oppression*". He further reminded the nation that the objectives of the Reconstruction and Development Programme would not be realized without ensuring that women's conditions have been radically changed for the better (in practical and visible terms) and women have been empowered to participate as equal citizens. As a result, the 1996 Constitution had these fundamental principles in place. Relevant to this study, *Section 25* of the Constitution provided conditions for the state to 'enable citizens to gain access and control to land on an equitable basis'.

To align with the constitutional requirements, like all other government departments, the DLA's core business plan of the Land Reform Pilot Programme of 1994 stated that "overall, the elements of the Programme are intended to enhance the material, political, and social status of women" (DLA, 1994:8 in Walker, 2005:301). Isben (2000:274) reported that similar to other ministries, the DLA developed mechanisms to ensure women's participation in policy formulation. The DLA set up Working Group on Women's Rights to investigate steps needed to promote equal rights in land, financial services and control of resources (ibid). After the CEDAW and the Beijing Conference, the DLA further passed a cabinet resolution committing to involve women in decision making structures (ibid). In late 1996, the DLA established a Gender Unit whose main task was to develop a Gender Policy. However, its operation was weakened by its location within the DLA, the junior status (and a one person show) it accorded and the 'haphazard and unstructured' nature of its interactions with other key Directorates within the department (Walker, 2003:125). As a result, the Unit was 'marginalized from the policy processes only drawn to comment at advanced stages when the value of its input is limited' (ibid). Despite its challenges, the Unit successfully developed a Gender Policy in 1997 and afforded the DLA to be the first government department to approve such. Coincidentally, the national framework for land reform, the White Paper on the South African Land Policy and the Gender Policy were approved at the same time Walker (2003). What of the Gender Policy commitments?

The guiding principles adopted by the DLA were based on a list of chosen international frameworks, such as the gender equity, commitments to Beijing and CEDAW, Gender and Development (DLA, 1997:3). However, it is not clear how these would be applied and at which level of policy development. For instance, a distinction between Gender and Development (GAD) and Women in Development (WID) approach have been highlighted to emphasize the position of the policy approach. In this policy, the WID 'seeks to increase women's efficiency in their existing roles by making their roles more available to them' while the GAD "empowers women to their position in relation to men in a way that will benefit and transform society by basing interventions on an analysis of the roles and needs of both women and men" (DLA, 1997b:8). The DLA claimed the Gender Policy was in line with the GAD as opposed to the WID approach, and thus recommended the use of 'gender' rather than 'women'. To this, Walker (2003:127) criticizes the DLA for its simplistic appliance of international theory which led to the department distinguishing one approach as bad and the other good. She further argues that the 'theory' used in this document is not politicized based on the socio-economic context, but rather, 'cut and paste' from international research and foreign experts. This notion does not encourage officials to develop confidence on the ground by experiential learning, thereby "demystifying gender and make it less intimidating" (Walker, 2005:307).

The Gender Policy itself has received several criticisms from gender researchers ranging from policy formulation to its implementation. In addition to the general conceptual shortcomings identified in the earlier section, Walker (2005) highlighted how the Gender Policy had itself further misconceptualized gender equality and women's rights. She contends that 'gender' and 'women' have been used to mean the same thing not only in the policy documents, but also in practice by officials (ibid: 305). She also argued that, the language used in policy directives is abstract and confusing, with the terms 'gender' and 'women' used interchangeably. In addition, there are no gendered beings in the official documents, including those of the Gender Unit, instead the reference to the term 'communities' seem to imply both men and women (in some instances).

As a strategy to implement the policy, the DLA focused on four areas, namely: communication, training, legislative review and monitoring and evaluation. With regards to communication, the plan was to target project sites, national and international women's days and to distribute translated information to men and women on land in general and

opportunities that are there for women, with an intention to raise awareness (DLA, 1997:5). The policy stated that because of 'socially defined roles, stereotypes and other social factors' women do not have access to information and to opportunities available to them. The communication strategy developed within the DLA would target rural women with information on land reform and their rights in relation to redistribution and tenure. The DLA would achieve this objective through the following:

a) Translation and distribution of policies,
b) Identification of information needed,
c) Production of material,
d) Use of local media (e.g., community radios)
e) Building of feedback mechanisms (ibid).

A second strategy identified was that the DLA would be involved in project cycles by analyzing roles, needs, resources and constraints of both men and women throughout the identification and planning processes of projects. The main objective of this strategy was to explore mechanisms of beneficiary participation, especially that of women, in land reform processes. The data accrued in the project cycle would enable the DLA to develop appropriate systems and procedures which would facilitate equal participation of women. The DLA committed to identify case studies, and perform periodic reviews on women's participation, tenure and livelihood opportunities. Further consultation with relevant departments and other role players, such as NGOs, CBOs and women's organizations would enable the department to address policy concerns with gender implications.

So as to ensure that all stakeholders in the land sector are aware of gender issues, the DLA planned to build their capacity and ensure that gender is integrated into their practices, policies and programmes. These training programmes are aimed at equipping implementers of land reform 'in participatory approaches (including gender analysis) to enable them to deal with gender conflicts and power struggles within beneficiary groupings' (DLA, 1997:7). Another major commitment was the review of legislative and administrative measures to give women equal rights to economic resources, including access to ownership and control over land. Working together with the Commission on Gender Equality the DLA saw itself as 'an information mechanism' to ensure the review, scrapping and changes of any discriminatory laws that undermine gender equality. Lastly, the department also undertook to be continuously engaged in policy formulation processes so as to influence the

general policies being crafted throughout the other sectors. Once programmes were in place, the DLA undertook to monitor their impact and effect on achieving gender equity goals for reporting and budget purposes. The DLA's monitoring role and its impact on women is discussed in a later section of this chapter.

However, some commentators have observed that the training courses offered by the DLA tend to 'add-on' the gender equity principle rather than making it the central work of officials (Walker, 2003:125). Walker uses an example of a training manual developed for the training of officials in the Northern Province in 1999. She argues that although there were references to the international instruments and the Constitution and encouragement of officials (to ensure equal participation of women in decision making structures, to use participatory methodologies and to disaggregate data in terms of gender), the overview sections of the manual mainly focused on the social redress and "these prescriptions were not integrated into the [critical] steps to be followed in projects" (ibid). For instance, instructions to collect data did not specify the collection of gender disaggregated data and potential beneficiaries were identified as 'households without highlighting the gender dynamics within households (ibid).

Similar to other gender policies in several countries, the DLA Gender Policy and its subsequent implementation did not prove to be an exception when compared to other African countries. Walker (2002) lists eleven African countries in Southern and Eastern Africa with their respective gender policies within land reform programmes (see Appendix 3.1). From her analysis of these policies, she boldly stated that these land policies and legislations do not prioritise gender; instead she found that it is "patriarchal norms and customs which limit the effectiveness of provisions that specify women's equal rights" (Walker, 2002:65). Equally, whilst these policies have been developed in most Southern African countries, some researchers argue that they remain as 'paper tigers', which are "unable to change women's reality on the ground" (WLSA, 2001:39). In essence, this identifies the existing gap between policy and practice. Walker (2002:43) supports this by using countries such as Zimbabwe, South Africa and Uganda as case studies which have not prioritised the gender principle in action. Specific to South Africa, Walker contends that developing 'high level policy statements' is not enough without 'the second-tier or middle policy documents' in place. These crucial documents are meant to enable officials and other

implementers in the land sector to "operationalise policies by translating broad commitments into project procedures and general guidelines and standards" (ibid: 45). The following sections discusses how the LRAD policy addressed gender issues.

3.4 Gender Limitations of the LRAD Policy

Like its predecessor (the SLAG program), LRAD was received with mixed feelings, especially by gender activists and some researchers. Some had arguably noticed its total 'overlooking' of women as a target group at its early stages (Walker, 2005). However, with intervention from NGOs, the final version of LRAD, as mentioned earlier, targeted 30% transfer of land. These debates were however also embroiled with the controversy of individual rights versus the collective rights for women.

Whilst some commentators such as Cross and Hornby (2002) and Weidemann (2005), regarded the shift from targeting households to individuals as a gain, others argued against it (Walker, 2005:303). The former argued that individual rights for women opened opportunities to secure independent rights from men and their families. Weidemann (2005:372) argues that for historical reasons, "individualization of tenure could enable women to have a legal right to own or rent land". This will ensure that women have better access to land than they were under the communal (traditional) systems. However, lack of resources to purchase and control land could still inhibit their full participation. Cross (1999: 25) however, questioned whether this autonomy over land would alleviate poverty or contribute to the deterioration of family units in rural areas. Her argument was based on the fact that "in a poverty economy with rising unemployment, autonomy is needed if it helps brings poverty relief, but this outcome is questionable if greater entrepreneurial and other autonomy contributes to alienation and conflict between men and women" (ibid). She claims that if the conflict prevails, it would rather "increase poor women's institutional risk long before it solves their support problems". Her views are supported by Moetsabi (1998:27) who recommends interventions which "ideally help men and women, rather than those that target women alone in potentially adversarial situations" (Cross 1999:26).

Immediately after LRAD's implementation, DLA and NLC commissioned a study which attempted to investigate 'women's access to land' through the LRAD programme. Amongst others, the outcome discovered that projects, in which women had accessed LRAD grants

as a group, or as individuals, were very rare (Cross and Hornby, 2002). Women did not seem to see themselves "taking on the responsibility of grant finance without some kind of local or outside assistance to support them". There was also a perception that women were cautious of taking such responsibility for the fear of taking "the risks of backlash from men in the community who may feel threatened" (Cross and Hornby, 2002: 70). They attribute this to women, particularly poor rural women, who may be discouraged by the prospect of committing to own contribution when they have few resources to risk on such a project. This perception was also supported by Walker (2002:57). Hence, the policy stipulation of avoiding to group women became one of the LRAD's weaknesses when applied to women since it worked against them building their own support associations through collective action. This was evident in the KwaZulu Natal North Coast and in share equity schemes in the Western Cape, where women-only commercial projects have been identified as successful with the aid of sponsors and external support (Cross and Hornby: 77).

In addition, Festus (2001:6) asserts that although women under LRAD qualify for grants, 'certain application criteria would limit or even deny women access' as the criteria only caters for those who acquire land for agricultural purposes, and provides subsidies only to those who can make contribution either by cash or labour. This naïve position ignores the fact that women are already inundated with household chores, taking care of the children and the elderly. The policy therefore failed to "provide a holistic integrated sustainable livelihood approach with clear gender strategy, which seeks to empower women and increase their authority and status" (ibid). In this view, the policy hinders women from gaining control over productive land, and subsequently to sustain livelihoods.

In addition to these, the land reform in general has been generally criticised for several reasons. The following section discusses some of the limitations of the program, which have serious implications for women.

3.5 The Limits of the Land Reform

3.5.1 Market-Oriented Approach

Generally, the key approaches adopted by government towards land reform advanced the protection of the property rights of current land owners, the guarantee of compensation, and the willing-buyer, willing–seller approach. Various commentators attributed the failure of land reform to several factors. Jacobs et.al. (2003:4)59 attributed the failure of the programme to its over-reliance on market forces and the payment of land inflated prices for marginal black farmers. This further limited impact on rural employment or transformation of agricultural land holdings. According to Aliber and Mokoena (2002:22), the provincial DLA staff identified four main concerns about how the market inhibits the redistribution programme as:

a) Arable land is not readily available,
b) Land is too expensive,
c) Landowners collude not to sell to DLA beneficiaries and
d) DLA beneficiaries end up acquiring inferior marginal land.

Research has shown that the market led approach affect men and women differently as men and women have different interests and needs for land, even as farmers. Cross and Hornby (2002:49) highlighted case studies in which "men's approaches to farming are usually more entrepreneurial and profit driven', whilst 'women are cautious and conservative". Cross (1994) in Cross and Hornby, (2002) reported that case studies in KwaZulu Natal Province indicated that men risked more cash investment and used much more agricultural equipment and credit than the majority of women. Women, on the other hand, tend to farm in areas where profit margins are non-existent or narrow as their interest is more on household food production. Because men tend to focus more on physical resources such as equipment and land itself, they are likely to benefit more from the market led approach of buying and selling land than women.

Mayson (2004:1) adds that the demand-led approach to land reform and the high price of land is a determining factor for the justification of the established joint venture schemes between white commercial farmers and black people who have land rights or are land reform beneficiaries. These schemes have been identified as problematic in some areas without immediate benefits to the beneficiaries, as the commercial farmers drive the

partnership. This results in unequal power relations and often limited resources in the building capacities of their partners. These scenarios tend to subject land reform beneficiaries to vulnerable positions, either with white farmers 'buying out' beneficiaries and re-employing them as labourers, or farms being liquidated for failure to repay their loans.

In these cases, women are particularly worse-off. The fact that they have limited access to financial resources puts them in a position of lesser bargaining power to negotiate in such partnerships. Cross and Hornby (2002: 135) reported that women face more obstacles than men in accessing private sector land reform, because most of the partnerships have arisen from the permanent labourers / the farm owners relationships. The fact that men dominate the workforce in farms implies that women are highly unlikely to benefit equally from these arrangements. Cross and Hornby found evidence of cases when women were excluded from decision making, i.e. during initial negotiations and during the business plan and budgeting processes, totally ignoring the DLA's Gender Policy. They further argue that this skewed power relations between farm owners and male workers is likely to reinforce patriarchal and gender stereotypes and roles, and thus continue to exclude or marginalise poor rural women long after DLA intervention is no more. However, the Western Cape equity scheme wine farm enterprises are reported to have potential gains for women, with women occupying better positions as foreman and crew leaders (ibid:70).

In the case of Inala Farm in Mpumalanga Province in South Africa, it was reported that an experienced manager was appointed to transfer skills to the beneficiaries after they were unable to sustain the management of the farm. In this project, the beneficiaries were mostly active men, with women taking seasonal work. It is with this view that Mayson (2004:4) demands that Government take a pro-active approach by prescribing requirements for joint ventures and monitoring the development of these projects, so as to avoid abuse of state funds by white farmers that may results in poor men and women losing their land again.

Others argue that due to the small grant amount (R15, 000) given to households, groups of households were forced to pool their resources in order to qualify for a bigger grant to purchase land. This phenomenon became popularly referred to as the 'rent–a-crowd' effect. For example, in 1996 about 411 villagers 'clubbed together' to form the Noko Trust to buy about 150 ha costing over R6 million (TRAC-MMMP report, 2005). By 2002, despite maintaining a marginally profitable operation, Noko was prey to internal conflicts,

with the Board who became obsolete and marginalized — a depressed executive and completely inactive membership. While the report did not refer to the impact on women in this case study, more often than not, women tend to be worse off in these cases. Firstly, the household head in most cases is represented by men and they are the one likely to participate in the land reform projects because of their bargaining power. The increase of R20, 000 allocations to individuals with the LRAD has been seen as gains for women despite its challenges of implementation and the associated implications for women as discussed in Chapter One.

These small grants resulted in group dynamics surfacing after land settlement without proper post-settlement support from the State (Mokoena and Thomas 2001 in Aliber 2003). The Mentorship Program carried over a period of 3 years found that, five out of 6 land reform projects piloted in Mpumalanga Province were short of operating capital after settlement. It took at least 3 years for some of the projects to secure funding. While the Department of Agriculture is investing on post-settlement support and there is complimentary funding from NDA and the Land Bank, these possibilities are however not effectively coordinated, at least in the Mpumalanga Province (MMMPP, 2005: 69).

However, Aliber (2003: 3) disputes the rent-a-crowd effect as a contributing factor. He claims that large groups are not problematic. It depends on what groups seek to do with the land. He argues that it was rather 'the strategy of project design which converged into a typical formula that derailed the programme. The 'formula' determined that a group would establish a 'producer cooperative' (often hiring a manager for compensation of their lack of management and/or farm experience) to provide maximum cash income to each member, or full livelihood to all members, by promoting the continuation of farming activities undertaken by the previous owner, and also adding on new activities for more income e.g. piggeries, broilers, etc. He strongly points out that this was caused by "an effective conspiracy within government against subsistence production, which was considered backwards and un-developmental and lacked clear preferences for an agricultural collective or producer cooperative" (ibid). In general, the land reform program challenges included the "overall reliance on market forces, payment of inflated prices for marginal land, lack of any significant contribution to the development of semi-commercial and commercial black farmers, and limited impact on rural employment or transformation of agricultural land holdings" (Jacobs, et.al, 2003).

Despite Jacobs' argument, it is clear that poor rural women in general are more affected by a market led land reform programme than men. To actively participate in the programme, women need capacity building and training, and broader education with regards to rights and opportunities available so as to facilitate skills transfer and competences required to participate in the open market. This will open doors for easier bank credit opportunities. For reasons mentioned in Chapter Two which include women's social status and their triple roles, coupled with their inability to 'compete financially on an open market' , rural women in particular are less likely to access opportunities (Weidemann, 2004).

3.5.2 The Complexity of Historical Dispossession

The history of dispossession in South Africa is complex and often has stories which are not accounted for in land reform debates. Walker (2005: 807) clearly highlights this complexity. The forced relocation of about 3.5 million black people in about 13 percent of land through colonialism and apartheid brought about the decline of black peasant agriculture over 100 years or more which resulted in increasing poverty. It is in that context that land reform in South Africa is based on restoration of rights and identity and redistributing land to black people, so as to redress the social injustices of the past. The focus is rather on a group of people and communities than on an individual level. The restitution programme is thus rights–based, which means it is restoring land to those who initially held it. Because of the historically-entrenched patriarchal system, there is a perception that women do not necessarily benefit significantly from this programme (Weideman, 2004:370). This, by extension, means that land is generally restored to men. Thus, restitution on its own cannot be expected to deliver the promises made by the democratic government, in particular to women.

There are three broad ways of resolving claims: through financial compensation, restoration of the land under claim, or granting alternative land in cases where the state deems it is not feasible to restore land (e.g. on conservation land). The cut-off date for lodging the claims was December 1998, by which approximately 63 455 claims were initially lodged (Lahiff, 2001:57). Several criticisms have been made with regard to both the post 1913 reference and the 'cut off' date. Firstly, commentators argue that there are several complex factors which influenced the historical land dispossession prior to and during the colonial era. These include "the shifting socio-political dynamics, the layers of different land maps, the many changes to the nature and boundaries of 'historical' communities" (Walker (2004:

136). Walker further argues that before 1913, South Africa was embedded within a history of 'settlement, conquest, collusion, alliance, dispossession, migration and tenure changes', simply translated into a redress strategy as proposed by this program (ibid). According to Walker (2005:808), the past conflict and competition within and between black communities and the alliances they made with white people are not well documented. In negotiating settlement for these claims, the representation of the intended beneficiaries, (communities or groups) are mostly men. For obvious reasons mentioned earlier, either traditional authorities, male households' heads or community members are registered as claimants of these rights. Typically, the Bhangazi claimants on the Eastern side of St Lucia in KwaZulu Natal were represented by men who had conflicting claims on the same area with different interests (Walker, 2005: 810). The implications of women non-representation on decision making powers, in particular at local level is discussed in Chapter Three.

In addition, Hall and Williams (2001:15) identified the unclear definition of 'labour tenants' under this Act as one of its limitations, as it 'amalgamates under a single heading the rather different claims of people with different farming and livestock strategies and relations to land and wage employment'. They also contend that the 'narrative of dispossession' and 'the demand that people be returned to their land' was rather over-ambitious as 'this was not always practical or desirable'. Firstly, the restoration of claimed land could offer rural people the prospect of yet another move to an isolated area without access to facilities and employment. Whilst some, particularly older men, may be determined to return to lost lands, others - especially women and younger people - may prefer to stay in places where they have lived and seek financial compensation and make a living elsewhere. Secondly, urban land in particular 'had often been transformed in ways that precluded any return to the status quo ante' (ibid).

3.5.3 The Dual System of Local Land Allocation

A thorny issue which has been characterised as "chaotic" by Lahiff (2001) in the former homelands has been the security of tenure of the rural dwellers due to the reluctance by the Government to resolve the question of the roles, powers and functions of traditional leaders in land allocation. The problem continued to exist for almost the entire first decade of democracy. The role of traditional leaders in rural areas has been cited as a key barrier to the implementation of gender equity goals by several gender activists within civil society.

Traditional institutions are the local-level system of political and judicial authority exercised by clan elders and/or hereditary chiefs and their councils over people and land (Ntsebeza, 2000:280). From a gender perspective, the most powerful criticism of these institutions is that they are deeply patriarchal, lack democratic systems of governance and accountability and they treat women as subordinates. However, Walker (2002:41) argues that the role of traditional institutions can be best described as 'double edged' for women. Whilst the traditional leaders role of land administration in communal areas is 'not indispensable'; for example, in Botswana they are, 'accessible, relatively cheap, familiar, likely to be well informed of local conditions and people's circumstances and can be flexible, depending on individual circumstances'. This therefore, means that the traditional authorities have a role to play at local level, but their definite role in land administration and management still needs further clarity and negotiation, especially in South Africa.

Several commentators have different views on which legal system could better achieve justice in women's access to land. International organisations such as the World Bank, OXFAM and the IIED seem to be supporting land tenure reform which builds on customary systems (Whitehead and Tsikata, 2003). African feminist lawyers also differ on which of these systems should prevail. Some of them prefer the state laws although there is recognition that in practice these have not been very successful (Mann, 2000). However, others have cited some examples in which customary systems have been advantageous for women (Whitehead and Tsikata, 2003:22).

The dual system of securing women's rights is not a matter for one or the other. As research has shown, the effectiveness of protection of women's rights is contextual and sometimes differs within a country. Walker (2003) indicated that women in Mahlabathini community in KwaZulu Natal do explore different ways of securing their interests and rights. Whilst some women opted for individual rights 'because men can change', others saw "the value in the household and community bonds and networks" for their survival (Walker, 2003:144). This does not mean the two systems cannot co-exist as women will use what is available and convenient to them at any one time. While the communal tenure is perceived to be insecure for women since it is mostly men's voices of 'customary practice' that often shapes the customary environment, it is widely understood that customs and traditions are not static, they evolve over time. There is opportunity to craft contemporary customs and

traditions within a democratic dispensation which promotes the values of humanity, and respect for women's rights and interests.

3.5.4 Lack of Gender Monitoring

While there is political commitment and good intentions by the South African Government to recognise women's rights and interests through land reform policies, the practice on the ground seems to be to the contrary. As discussed above, the Gender Policy and its implementation by officials is still 'piety in the sky' with little (if any) accountability (Walker, 2002). Since the start of the land reform process, the DLA has reported largely on the quantitative targets and achievements of land redistribution. Such quantities included hectares of land transferred, number of projects and number of beneficiaries, etc. (Jacobs et. al., 2003:6). As from 1999, the DLA attempted to monitor its programmes by commissioning studies through consultancies. The brief was mainly to evaluate the impact of the Land Reform Programme on the quality of lives of the land reform beneficiaries (May, et. al, 2000, 2002, 2003). Findings from these reports claim that although DLA attempted to address equity goals, "they have not yet been operationalised" (DLA, 2003b: xxx). The monitoring system itself was problematic with regard to the information gathered and limited in its analysis. For instance, Manthata (2002) and Walker (2005:303), concur that the monitoring and evaluation system within the department does not provide gender disaggregated data 'that makes it impossible to distinguish the number of women in relation to men who have benefited from the programme'..

In addition, information gaps had been identified in the old SLAG programme, which made it difficult to provide a gender analysis of the programme. For instance, data from the provincial DLA in Mpumalanga reflects that about 28% and 16% of female households benefited from the redistribution programme in 2002 and 2003 respectively (only the data for LRAD projects was available). Ironically, the number remains low and seems to be declining despite the DLA's claims to gender equity commitment. These major inadequacies in 'the collection of data and compilation of baseline statistics' were noticed throughout the country (Jacobs et.al, 2003:26).

On the other hand, DLA's annual report in 2002/3 claimed that the 30% target was formally met in most provinces (Walker, 2005: 303). Hargreaves and Meer (2000: 270) summarised

the critique of this analysis in the report by identifying four main elements: Firstly, the analysis used undifferentiated, genderless categories such as households, families and communities, which were all perceived to be homogenous units in which men and women have equal power relations and rights to resources. Secondly, there was no analysis on the different implications for men and women (at community and household level) in terms of service delivery of land reform projects. Instead, particularly with regard to LRAD, women are targeted as beneficiaries separately from men. Thirdly, women were treated as 'invisible' throughout the reports, except when mentioned as participants in the income-generating projects. Lastly, the system did not track the distribution and use of benefits accruing from land reform processes within the household and how social relations structure decision-making at this level. Overall, this system has been criticised for not spelling out 'the impact of land reform on women within beneficiary communities and answering questions with regards to the transformation of unequal gender relations'(ibid, Jacobs, et.al. 2003:26).

Even with the LRAD programme, official reports do not provide adequate information on gender analysis. Whilst the DLA provided an excellent report for its celebration of land reform progress in 2005, it did not take into account its gender equity commitment. The report focused more on hectorage delivery and the number of beneficiaries (DLA, 2005b). This position was also confirmed by one of the provincial officials in Mpumalanga, who mentioned that the mandate of the department is on hectorage delivery not gender mainstreaming and therefore "we cannot spend more time on emphasis implementing gender issues within communities" (Sam Nkosi, April 2006). For these reasons, the DLA has been accused of non-compliance with their own Gender Policy. The fact that indicators to assess and monitor gender equity goals have not been developed to date raises further questions on the part of the department as to its capacity to implement and transform gender relations in land reform processes. It took almost 10 years for the Gender Unit of the DLA to commission the development of the indicators used to monitor the gender equity goals, and these have not yet been released (DLA, 2005b). TRAC-MP has however, consolidated guidelines for monitoring and measuring progress to assist practitioners in their planning processes (TRAC-MP, 2004). It is hoped that the DLA could tap into this information to inform its policy guidelines.

3.5.5 Policy Shifts in Land Reform

Other noticeable factors in relation to land reform are the changing interests of governments in prioritising the land question. Whilst political parties and liberation movements seem to rally around the land issue during the liberation struggles, interest seems to change once they are in power. Walker's (2005: 812-15) account of how compromises were made by the South African ruling party, the ANC, during constitutional negotiations is indicative of the low status the land reform programmes currently enjoy in South Africa. She identifies several areas in which the ANC made compromises.

Amongst others, rural issues took a back seat in the ANC's agenda by calling for redistribution which will not be destructive to commercial agriculture sector, "because of its importance to national food security and its contribution to foreign exchange" (ibid). Walker alleges that the World Bank took the opportunity during these discussions to promote its own agenda of a market-driven, willing–buyer, willing-seller, grant-driven program that would promote emergence of small farmers in agricultural production, a position which SA later adopted in 2001 through LRAD. The opposition party, the National Party (NP), however, continued to prioritise the land question as it was protecting the property rights clause enshrined in the Constitution.

The second compromise surfaced during negotiations for land restitution by guaranteeing the existence of property rights and the market-related financial compensation of the private owners. The over-reliance on the 'judicial model' of resolving land claims was also seen as another major inhibitor due to the expensive nature and 'formal legalism of the process' which the claimants could not afford (Walker, 2005:815). Such unsettled 'compromises' and struggles between and within the institutions make the translation and subsequent implementation of these laws even tougher for the practitioners on the ground.

In general, several commentators were sceptical of the commitment of government to meet its set objectives. Greenberg's (2002:20) critique of the programme was that it focused on "restructur[ing] the commercial agriculture sector which [had] been of little benefit to the majority of the rural poor". He believed that there was no attempt on the part of government "to reorganise the rural economy on the basis of the new egalitarian ownership structure,

but instead the main aim was to maintain rural stability, contain any political instability and consolidate the land market" (ibid).

As a result, some researchers and commentators believed that land reform in South Africa has been beneficial to the elite (for those whose interest is commercial farming and entrepreneurship) at the expense of the rural poor who prefer informal farming and non-market production (Meer (1999), Cousins (2001), Hlatshwayo (2000), Greenberg (2002)) . In addition, some civil organisations have viewed the official policies as considering land reform "from the perspective of its potential benefit or harm to the neo-liberal macro-economic project rather than from the point of view of justice or need" (Greenberg 2002:29). Firstly, the policy formulation is biased towards the rural elites with the shift in focus to the emerging black commercial farmers. Greenberg argues that this was a government strategy "to release some of the political pressure" in rural areas (Greenberg 2002: 28). Secondly, because there has never been a space created for the rural people to articulate their demands on land, instead any mass based articulation of demands outside "the tightly managed, bureaucratic and legalistic framework has been criminalized and suppressed" (ibid).

Murdock's observations in Colombia are similar to those of Hassim's (2005) in South Africa. They have both reported that feminist's political agenda shifts, especially when they work closely with governments, as they have a tendency to provide the states with knowledge of gender theory 'minus the feminists critique of gendered power relations'. Hassim's observations of the shifts in the women's movements agenda in South Africa relate to this reluctance in challenging the *status quo* (Hassim, 2005).

3.6 Conclusion

This chapter has outlined the South African land policy framework to contextualise the transformation agenda in South Africa, with specific focus on how women's access to and control of land has been entrenched through legislative imperatives. Compared to other Southern African countries, South Africa's legislation and constitution policies are considered the most progressive, especially in terms of addressing gender issues. These policies do however remain 'pie in the sky' within the DLA, in that whilst there are specific objectives geared towards redressing gender disparities, the department has not

provided either disaggregated data in terms of gender, nor has it provided a gender analysis of their progress on land reform (Walker, 2003).

Although all these countries have ratified international conventions against discrimination, WLSA (2001:40) reported that this ratification does not guarantee enjoyment of rights as guaranteed by that convention. While these countries' policy reforms are acknowledged and commended by most commentators, several obstacles including institutional frameworks, access to information about the law, patriarchal attitudes and customary practices have been identified as factors hindering the implementation of such democratic laws (Walker, 2002; WLSA, 2001). However, progress has definitely been made in terms of providing legislative framework through which transformation in the land sector should be channelled.

It is thus imperative that women assert themselves in these environments and refrain from succumbing to the dominance of men in land-related matters. Women could become "active participants and drivers in their evolution, rather than recipients of foreign imposition" (Mann 2000:38). As Meer (1999:87) correctly pointed out …'unless the intended beneficiaries of land reform become agents able to pursue and advance their interests, the policy goals of social justice and gender equity' will not be realised. It is important to note that South Africa's democracy is relatively new. While in the last decade there have been contestations about protecting women's rights in all spheres of government; the Constitution provides a legal framework whereby the public can hold the state accountable for its own policies and legislation. A decade of democracy could be seen as too short a time to evaluate the country's progress as failing to address women's issues. However, it is important for independent groups and organisations to continue monitoring and evaluating the gender equity goals that the government has set up for itself. These organizations have a critical role to play in mobilizing the voices of rural women. The role of NGO's and individual researchers remains critical to that effect. The next chapter introduces the methodology underwhich this research was undertaken.

CHAPTER FOUR

THE RESEARCH METHODOLOGY

4.1 Introduction

This chapter outlines the methodological framework adopted for the undertaking of this research. A case study methodology was identified as a suitable research approach to this study in order to trace in detail the implementation processes of a LRAD project. The Gender Analysis framework has been identified as a useful tool for the collection of data at a micro-level for this study. In addition, qualitative research methods were used as the basis for the collection of information which informed the findings of this research. This chapter further describes how the project was identified, the field procedure and processes, together with the limitations and the challenges experienced during the study period.

4.2 Case Study as a Research Strategy

This research strategy has been chosen because of its ability to offer an "in-depth analysis of a case so as to interpret its unique features and to solicit an understanding of the social arrangements and their existence" (Ragin, 2000:24). In essence, a case study can generate insight into the specific social dynamics and developments that are at work within a particular context. A case study is "a valuable evaluation tool", to address a situation in which "the boundaries between phenomenon and context are not clearly evident", and uses "multiple sources of evidence" for verification (Yin, 1993: 59). Snow and Trom (2002:155) refer to the use and integration of multiple methods of collecting information as 'triangulation'. This integration is seen as important when studying social realities because real life is complex. It therefore becomes difficult to capture data which generates a rich and holistic understanding of a phenomenon by using only one research methodology. It is imperative that a combination of methods is used from different sources to allow for multiple perspectives of the realities, so as to capture the "wholeness" of a place (Eyles and Smith, 1988 in Bob, 1994).

The aim of the study was to understand the commitment of DLA to its gender equity goals as specified in the DLA's gender policy and the LRAD programme. This research is theory-centred in that it has used a real life situation with the particular characteristics of an LRAD project to build a case on. All its members were classified among the rural 'poor', indicative of their contribution as sweat equity to the LRAD grant. Secondly, compared to its predecessor, the project was a family project, typical of the projects which were encouraged through this program. Thirdly, as per the LRAD policy which stated that 'projects which targeted women [would be] encouraged', the project's main driver was a woman and the majority of the membership were women (LRAD, 2001). The specific case study can thus be regarded as typical or representative of an LRAD project.

The implication of the LRAD projects targeting women is that women will be empowered through the processes of project implementation and that this will further enable them to exercise their constitutional rights to challenge those power relations affecting their lives. The indicators of empowerment as discussed in Chapter Two include access (increase) to education, self-reliance and self confidence. In addition, other indicators of empowerment as reflected in the DLA's policies and commitments were investigated (DLA, 1997a). These include:

(a) Beneficiary participation in the project (number of women and men in decision making structures, contribution in meetings, ability to take care of women's needs),

(b) Rights to land and security of tenure (how women's land rights are protected (legally, socially) and

(c) Access to livelihood creation, resources and opportunities (development opportunities, credit and other resources).

From a holistic perspective, the Mathebula Project, as a case study, is an entity with its own characteristics (objectives, implementation plans, budget, structure, activities, management systems etc.). I also considered the different levels of elements that comprise the project from which I collected information, so as to understand the project as a whole. These include information from the Management Committee, male and female members and officials from DLA and TRAC-MP. As Snow and Trom (2002: 155) point out, 'this multi-

perspective approach' enables the researcher 'to access, secure and analytically link together the relevant perspectives of a variety of actors'.

However, case studies have often been criticised for their inability to facilitate or allow generalisations. Snow and Trom (2002: 165) claim this is a 'stereotypic view' because although they cannot generalise statistically or enumeratively, they can generalise theoretically. In fact, De Vaus (2001: 221) sees this as the primary purpose of a case study in that its procedures of collecting and analysing information are guided by theory.

4.3 Research Methodology

4.3.1 Identification of the Project

In May 2003, with the assistance of a provincial DLA official, two projects were identified as potential case studies for the study.This case study was chosen firstly because it was amongst one of the first LRAD projects to be granted in Ehlanzeni District in Mpumalanga and secondly because of its close proximity to the researcher (about 20km), allowing frequent visits to the site The criterion was to choose the best redistribution project with an almost equal number of men and women, so as to enable the envisaged gender analysis of the project. The first project was unfortunately a SLAG project and thus fell off the list.

As a relatively new project, it had never been studied before and was an 'untapped' status with no previous negative rapport, which became an advantage to the research process. At the time of entrance to the site, the project was still in its design stage awaiting registration of the CPA by DLA. It can also be reported that because the LRAD projects were relatively new, the subsequent implementation process of this particular project caused unforeseen delays in the project implementation and thus delayed and influenced capturing of data, hence the extended research period (see Chapter Six).

4.3.2 Time Frame

I visited the site over a period of three years (from 2003 until June 2006), for reasons explained above, collection of data was carried out consistently in three periods However, the days and times I visited the project were varied in order to ensure consistency and

reliability of the trends observed. *Table 4.2-6* indicates the periods visited during the three year period.

PERIOD	INFORMANTS	INSTITUTION	DATA COLLECTED
May 2003	Aida	Project Member	Introduction
May - November 2004	Herry ,Aida, Sydwell, Jane	Project Members	Life stories Interviews Field visits
	Deidreck,Emil	TRAC-MP	Structured interview
April - August 2005	Aida , Sydwell Jane		
	Committee members TRAC-MP officials	TRAC-MP and Members	Evaluation meeting
April – 2006	Aida , Sydwell Mampho, Sam Xoliswa, Mampho		Exit interviews Interviews (Programme cycle, Gender mainstreaming)
		DLA office	Access secondary data
		DLA office	Implementation processes

Table 4.2-6: Periods of Data Collection

4.3.3 Field Procedures and Processes

The first contact with Aida was during a workshop I organised in June 2002 which was aimed at promoting women's access to land. At this time, I was working with TRAC-MP as a Gender and Environment Coordinator and was responsible for developing a manual to integrate gender considerations into land reform processes. Aida was one of the women nominated by the Provincial DLA to testify as a beneficiary of the LRAD programme. A year later, as a student, I approached an official in the same department to assist me to identify a project for my research. Two projects were identified, and the Mathebula Project was identified for reasons explained above. The project officer of this project, Ms. F. Xhakaza, introduced me to Aida. On the 28th May 2003 she accompanied me to the farm.

As a full time student residing in Nelspruit, the farm was about 20km away from where I lived; this allowed me frequent *ad-hoc* visits. Although I initially planned to gather information within the first period, because of the delays and 'almost nothing' happening on the farm, it became necessary to spend another four months gathering information the

following year. During this time, I developed an extensive social relationship with Aida and her children who were the most active members on the farm. Aida always introduced me to her occasional visitors as a 'student who is doing research'. Some of them would be confused by the big 4x4 car I was driving and often joked about,"*ngumuntu wesikolo onjani lo*?" (What student is this?). During this process, I became a friend, advisor, social worker and counsellor to Aida. Aida is an extrovert with a very pleasant and outgoing personality. This allowed me to understand the dynamics within her household and the decisions making process. I do however believe that some of her family members were very cautious with me; they possibly suspected that Aida may have told me some of their secrets.

Whilst doing fieldwork, I tried to maintain distance from activities conducted outside the farm in order to retain some objectivity. These included attending family events such as funerals and celebrations and training programmes attended by the beneficiaries. I confined fieldwork to activities happening in the farm premises.

I also assisted the family with various things. For instance, Aida once ran out of cash and needed to take a child to the doctor. I gave her money to take the child to the clinic. Whilst I avoided her dependence on me, it was sometimes difficult when she did not have money to buy food. The maximum I gave her for food was R50 so that she could buy *'umshebo'* (anything which goes with staple food as gravy). Related to the project, I provided her with files to keep her information in and I also 'loaned' her an annual joining fee of R250 for the registration of her project with a marketing company, Grain South Africa at kaMkholo Building in Nelspruit. When I came back from Qumbu, I brought them a pumpkin, not only for consumption, but also for planting in their vegetable garden. Likewise, Aida was very generous. She would offer me mielie cobs and mangoes from the field during the season.

The data collection required a lot of flexibility. There were certain times when I felt I was not making any progress during the fieldwork, and often regretted my choice of project. Sometimes I would drive to the farm and find Aida and Herry sitting down discussing the 'slow' progress of the project. At these times, I sat with them, further contributing to the discussion and offering advice on the way forward. It was for this reason that I was compelled to resume another data collection the following year. Because of the rapport I had with Aida, I often arrived unannounced at the farm, even on Sundays. Often I went to the farm and found no one at home. When I called her on her mobile phone, she would be

either with Land Bank, TRAC-MP or DLA doing a follow-up. These times I had to turn back. She usually informed me well in advance when she went for training.

4.4 Research Methods

Multiple research methods were used to verify the data collected. Specific methods used included conversations, field visits, participant observation, semi-structured interviews, life histories, meetings and secondary data review. This multi-method, referred to as 'triangulation', allowed me to "use different methods in different combinations" (Denzin, 1989b) in Fontana and Frey, 2000). For instance, I was able to verify information from Aida's account with official documents from the Project Report, together with accounts from TRAC-MP officials. The motivation for using this approach is due to the fact that 'human beings are complex, and their lives are ever changing'…. and therefore the more methods used to capture their life stories, the better will be the understanding "of how they construct their lived experiences" (Fontana and Frey, 2000: 668). Several researchers conducted qualitative studies using similar methods. For instance, Nabane (1998) completed a study which explored gender and ethnic differentiation in community-based wildlife management under CAMPFIRE in Zimbabwe and used a number of research methods in an attempt to triangulate across methods and validate different or similar opinions. These included literature review, open-ended discussions, structured and semi-structured interviews, village and committee meetings and questionnaires. Her recent study of institutional arrangements for woodlands and water use used 12 qualitative methods, including participatory approaches (Nemarundwe, 2003: 57). Besides, Hachongela (1997) used discussions, focus group interviews, village meetings and review of secondary data.

4.4.1 Semi Structured Interviews

For this study, it was very important to understand how the different stakeholders understand and perceive the LRAD Policy, its implementation and in particular, its gender goals. To collect this information, semi-structured interviews were conducted with DLA officials, TRAC-MP officials. Warren (2002: 83) differentiates this technique to others in that it is "based in conversation with the emphasis on researchers asking questions and listening, and respondents responding… aiming to understand the meaning of respondents' experiences and life worlds". The Land Bank and Department of Agriculture (DoA)

officials were not contacted as they were not involved during the initial stages under study. They were only involved after the land was transferred, which fell beyond the scope of this research study. The interviews were conducted individually at quiet venues agreed upon by the interviewee.

Semi-structured interviews were also used to assess a wide-ranging review of various areas of the project members' lives including work, family relationships and involvement in the project, in order to solicit personal experiences and life stories. The members were also probed to provide information, specifically about the factors and trends which they deemed influenced their activities of access and control of resources in the project. This was to solicit "deeper knowledge and information about personal matters of relationships within and between the family members, so as to understand their individual's self, lived experiences, values and decisions, cultural knowledge or perspectives" (Warren, 2002:104).

4.4.2 Participant Observation

Participation observation is referred to as an activity in which the 'researcher observes and to some degree participates in the action being studied, as the action is happening' (Lichterman, 2002:120). Although observation is often seen mostly as a visual exercise of 'noting a phenomenon, often with instruments, and recording it for scientific or other purposes', it basically consists of gathering 'impressions of the surroundings through all relevant human faculties' (smell, hearing, touch, and taste), which therefore requires that the researcher must actively witness what they are studying in action (Adler and Adler, 1998: 80). Given that some information acquired through interviews and conversations is often intended for the researcher, as an outsider I used this method to observe some interactions amongst project members with the external stakeholders. For instance, contrary to the rumours and gossip amongst DLA officials that Aida had a sexual relationship with John, the farmer, who assisted in identifying the farm, as a participant in the field I discovered that she had a boyfriend known to John and her family.

Participant observation was also useful to understand the dynamics between and within family members. By participating in the field, for instance during slashing and vegetable planting, conversations between members about family issues and events gave me insight into the power dynamics between family members' (young vs. old, men vs. women) responsibilities and gender relations. This method was also useful in collecting data related

to activities, in order to understand what, who, when, where and how the daily activities and events are carried out. These include participation in decision making processes and the division of labour amongst members.

Whilst making observations of the interactions in the field, my role and participation was not 'stable and simply defined', it was rather 'reconstructed' throughout the study by the different events and circumstances which occurred (Angrosino and de Perez, 2000:685). For instances, due to the delay in the registration of the project, members were often despondent and quite upset about 'disturbing news' from TRAC-MP or DLA officials about the process. My role would be that of an advisor and the comforter; for instance, during the time of the bereavement of the two project members. As Angrosino and de Perez (2000) rightfully acknowledge, these identities can sometimes have unintended negative consequences. After Herry's death, it was also emotionally draining and exhausting to experience the mourning family members.

4.4.3 Life Histories

The interviews were also used to capture the life stories of the active members. The guiding principle was to understand their past experiences and the present and future ambitions of the individuals. This information was used to understand the members' commitment and perceptions of the planned project. Life stories were also useful when predicting the impact of the project on member's livelihoods and the sustainability of the project. Five members' stories were captured. Herry was already bed-ridden at the time his interview was scheduled and subsequently, I wasn't able to speak with him. His story is summarised from accounts provided by Aida and previous interactions in the field. While it is acknowledged that the narration of past experiences is selective, the research took advantage of the milestones, historical events and worst experiences recalled during these conversations.

4.4.4 Reviewing Secondary Data

To complement the above techniques, relevant secondary data sources were reviewed. These included official documents from DLA (such as annual reports, Summit reports, newsletters, and Project Report files, etc), TRAC-MP documents (reports, publications), newspaper articles, and reviews of previous research. The literature reviewed from the

library was used to guide the theoretical framework of the analysis. Wolcott (1995) refers to this technique as the 'art of doing fieldwork', which comprises not only 'being there' with the display of courtesy and common sense, but also 'getting nosy' through aggressively seeking information, and making the 'best use of the work of others' through perusing archival documents and libraries. This technique allows the researcher to 'represent fairly the various multiple realities' (not only with people related to the project, but also with other researchers through their work) and to trace "patterns or trends and styles of behaviour" (Yin, 1993: 61).

4.4.5 Field Notes

At the beginning of the field research, field notes were captured immediately after the field visit in a variety of places (restaurant, at home, and in parked car). After several visits, field notes were taken on site. These notes captured my observation of activities in the project, which happened in the "natural context of occurrence among the actors who participated" (Adler and Adler, 1998). In my view, my presence had an effect on some of the people who saw me as a stranger. This was compensated by the fact that I had an open relationship with Aida. For instance, when some of the members wanted to discuss family issues, they would request to talk to Aida in private. Aida would tell me about these conversations afterwards. In these cases, I would compile notes after the field visits. These were subsequently formally organised into a diary of field notes.

4.4.6 Questionnaire

A project site questionnaire was used to collect information from Herry and Aida regarding the site specifics This questionnaire was adopted from earlier research done through CASE. This questionnaire was useful in collecting details about the farm.

4.5 Data Analysis and Interpretation

The findings of this research will contribute towards policy procedures and processes of implementing land reform programme, specifically LRAD. (Blaikie, 2000). In essence, the study documented activities based on understanding the following:

(a) *How gender is understood in the policy?* Section 2.2 of Chapter Two briefly outlined the existing theories on understanding gender. Because gender differs

from one place to another and is based on social construct, it is important to understand the variance of its meanings and understanding as this informs the dynamic element of social relations. Literature reviewed in Chapter Three (Section 3.2) on the conceptualisations of gender indicates that the policy does not deal adequately with the question of women's independent land rights and the State's role in advancing this participation.

(b) *What are the key problems in the policy formulation process?* The major problems in policy formulation emanating from the poor conceptualisation of gender include the divergent goals of gender transformation, lack of gender monitoring and the poor representation of women's voices in policy debates and changing policy shifts of land reform. These issues have been extensively discussed in Chapter Three as major policy constraints to realising gender equity in South Africa.

(c) *What is happening in the implementation processes with regard to achieving gender goals?* The specific processes of this project will be analysed and discussed in the chapters that follow. Literature reviewed in Chapter Two, Section 2.4, identified the factors affecting women's access to land. These factors range from policy formulation to implementation at community level. In addition to the patriarchal nature of the state and rural societies, the internal factors have been identified as the most critical in advancing women's access to land. The literature reviewed revealed that there is a wide gap which exists between these factors, and these rarely feature in policy formulation. In addition to the general factors, Chapter Eight identifies factors which are specific to this case study.

(d) *Why is the gap between policy and implementation widening?* Chapters Six, Seven and Eight identify constraints and opportunities offered by the implementation of the Mathebula Project. An assessment is made as to whether these experiences are similar to other development and land reform programmes in South Africa, or unique to the specific project. The concluding remarks in Chapter Eight specifically summarized the assessment are based on the findings of this study.

(e) What are likely to be its individual, social and environmental outcomes/consequences? Why have these consequences occurred?

In general, the information gathered through the research process was used to assess and predict future consequences of the process and the impact on outcomes. Unlike the previous DLA surveys, this study used a gender analysis framework adopted by Overhalt (1993) et al, in Mvududu (1998), Hall (1998: 462) and in UNDP (1995), which uses five interrelated components focusing on the following questions:

1. **Activity Profile**: Who does what in the community? Production of goods and services, reproduction and maintenance of human resources and community roles. When is the work done? (Daily, seasonal), Where is the work done? (home, village, market) Who is in the community? (Elders, adults, children (female, male))
2. **Access and Control Profile**: What resources do men and women have command over? Type of resources, for what purposes, where do these conflict? Type of tenure, what level of security? Contingent on what factors? Who benefits from the use of these resources? Who has access to productive resources such as land, credit, income, education, training, equipment and time? Who has control over these resources?
3. Analysis of **factors and trends** influencing activities, access and control. Which economic conditions, institutional structures, demographic, socio-cultural, community norms, legal parameters, religious, political, or environmental factors will constrain or facilitate the programme? Which of the above are changing and which are intractable? How might the programme influence these factors and trends?
4. **Institutional Analysis**: To what extent are the implementing institutions capable of analysing gender differences and applying gender specific approaches? How can the institutional capacity be strengthened?
5. **Programme Cycle Analysis**: Analyse and apply all the above information to every stage of the programme cycle and in all aspects of the programme document e.g. objectives, inputs and outputs (Hall, 1998: 462; UNDP, 1995).

In addition, **unintended outcomes** have been reported in the concluding chapter as the emerging issues which surfaced as a result of the process implementation.

This framework is a tool used to "collect and analyse gender disaggregated data at all stages of the programme/project cycle" (UNDP, 1995). Further, the framework recognises the differing gender needs and the roles of women and men and aims to develop mechanisms for mainstreaming women into the development processes. This analysis recognises in every context that it is relevant to determine the gender-based division of labour and to understand the forces that act as constraints or that act to change this division. This land reform processes might help to avoid inefficiency or inequity in outcomes.

Similar gender analysis studies have been done with different methodologies. For instance, a quantitative study on the gender analysis of the Maputo corridor undertaken in Mpumalanga during 1999 used interviews and questionnaires to collect data from communities, decision makers and contractors. Similarly Nabane (1994) conducted a quantitative gender analysis study of a community-based wildlife project in Zimbabwe and used interviews and questionnaires and attended village meetings to collect data. Likewise, these studies differ in their units of analysis. In the context of community-based natural resource management, Mvududu (1998) found that the use of four analytical categories:

(i) Women's status in its political, social, and legal dimensions,

(ii) Gendered land and property relations,

(iii) Gendered labour and livelihoods and

(iv) Gendered knowledge have been helpful.

While Mvududu (1998); Hall (1998: 462); UNDP (1995), used five interrelated components: (i) activity profile, (ii) analysis of factors influencing activities; (iii) access and control, (iv) project cycle analysis, and (v) institutional analysis. This study adopted a similar analysis adopted by Overhalt (1993) et al. (Mvududu (1998), Hall (1998: 462), and UNDP (1995).

The table below summarises the methodology approach of this study:

LEVEL	ISSUES	METHOD	INFORMANTS
Policy	Conceptual Framework	Secondary data Interviews	DLA officials NGO officials
Implementation	Institutional analysis Governance Programme cycle Activity Profile	Semi-structured interviews Secondary data Participant observation Field visits Meetings	DLA officials Project members
Impact/Outcomes	Benefits Access and control profile Factors and trends Distribution and use of resources Self-esteem	Secondary data	TRAC-MP

Table4.2-7: Methodology Approach

4.6 Limitations and Challenges

This study has its own limitations which came not only as a result of the methodology chosen, but also from the challenges experienced in the field.

4.6.1 Unavailable Critical Informants

As shown in Table 4.2-6, for the first two periods I concentrated on the farm activities, planning to interview officials once themes emerged from the field. At the time the interviews were conducted the DLA official who initially accompanied me to the site and the Project Officer, had already left the department and was working in another province. Attempts to locate her became fruitless. To compensate for this 'lost' informant, three DLA officials were interviewed — Mampho Malgas who was the project officer's supervisor at the time and was familiar with the project, Sam Nkosi, a Deputy Director for Tenure and Redistribution Policy Support and a longstanding official in the department and a relatively new Principal Planner, Xoliswa Nyathi. It was therefore difficult to verify some of the information alleged by both TRAC-MP and Aida regarding the relationship which turned 'sour' between the project officer and Aida. However, evidence from the lawyer's notes proved that the project officer was responsible for the delay, particularly during the registration with the Provincial Project Approval Committee (PPAC) as outlined in Chapter Six. Mampho's interview also cautioned that I should differentiate between the 'personal and official relationship' that Aida and Ms. Xhakaza had (Interview, 27th March 2006).

In addition, the project documents revealed that Mr. Ndashe was the owner of Mafa Consultancy who drew up the business plan. He was a close friend of the DLA official. At the time of the interviews, about three years after the business plan was drawn up, Mr. Ndashe had relocated to another province.

4.6.2 Limited Numbers of Active Members

Although initially the plan was to conduct focus groups, this method could not be used because of the limited number of active members during the fieldwork. While five members have been registered as active, the most active members initially were Herry and Aida. Sydwell became active in the project's activities after Herry's death. Jane was nominated by her mother as the future Farm Manager, and therefore spent most of the time at the Agricultural College through the TRAC-MP Mentorship Programme (MMMP). Senzo and Zandile were basically 'non- active' members, although they resided on the farm. Their stories are recorded in this study because they were officially project members who were available. The activity profile of this project is therefore limited in its richness with a limited number of sources used within the project.The collection of data was therefore overly reliant on Aida, the main driver as an informant. Secondly, the rapport I had developed with Aida during the study period might have influenced the kind of information that the 'active' members gave. For instance none of the informants interviewed had offered any negative comments about her and her leadership role. This had serious limitations on understanding the associated dynamics within the project.

4.6.3 'Delayed' Implementation Stages

The fact that it took DLA about four years to transfer the land to the beneficiaries of this project posed a challenge to the research study. Most time was spent either encouraging the beneficiaries or advising them on what best to do. This also contributed to most of the beneficiaries who would have been active, losing interest in the process, hence the non-participation of some of the members. It must also be noted that some of the members, mostly youth, were not interested in farming. This scenario resulted in several unintended outcomes as outlined in Chapter Six.

4.6.4 Project Officer

Due to the high turnover of staff in the Mpumalanga Provincial DLA offices, the project officer who assisted the Mathebula project at the beginning was not available for interviews. She has since relocated and assumed another job in Gauteng Province. Attempts to locate her for a telephonic interview have been unsuccessful. Instead, her supervisor, Mampho Malgas was interviewed to verify some of the information collected from Aida. Mampho, who constantly intervened during the initial stages, was familiar with the project.

4.7 Conclusion

This chapter discussed the methodology used for the study. In addition, the various methods used for collecting data to triangulate information gathered were discussed in detail. Similar to all research studies, this study was not without its limitations. Despite these limitations, the fieldwork provides an in-depth analysis of the case during the specified (extended) timeframe. Chapter Five introduces the project site as a study area and the beneficiaries of the Mathebula Project.

CHAPTER FIVE

THE DESCRIPTION OF THE STUDY AREA AND INTRODUCTION OF BENEFICIARIES

5.1 Introduction

This chapter provides detailed information on the case study used for this research by introducing its physical location and the context of land reform. The study was undertaken in Mpumalanga Province, one of the nine provinces in South Africa. Mpumalanga is amongst the South African provinces which are categorised as mostly rural and poverty-stricken, with a high unemployment rate, low literacy levels, increases in HIV/AIDS, as well as increasing levels of legal and illegal evictions (Stats SA, 2003; Sender, 2002; DLA, 2005a:90). According to Sender's survey in Mpumalanga, rural African households 'are deprived of access to many basic consumer goods and live in accommodation that is manifestly inadequate' (Sender, 2002: 14). This chapter illustrates this by describing the province's demographics, so as to locate the Mathebula Family case, the maternal descendents, as a chosen project for this study. The composition of the project's family members described in the succeeding session is typical of the deprivation experienced by individuals and households in this province. The last section describes life histories of the members who were active during the research study. As family members, they played dual roles and had responsibilities as tabulated in Table 5.6-2. These roles are significant to analyse as they form the cornerstone of the strengths and weaknesses of the project members as a community. The detailed activities during the research period are however discussed in Chapter Six.

5.2The Case Study Area

5.2.1 Mpumalanga Province

Mpumalanga Province, meaning the "place of the rising sun", lies in the north-eastern region of South Africa, with the capital Nelspruit, situated approximately 450 km east of Johannesburg. Fig. 5.1 shows the map of South Africa locating the Mpumalanga Province.

The Province occupies 6.5% of the surface area of South Africa. It is characterised by spectacular natural beauty, a wealth of natural resources, and is one of the fastest growing provinces in the country. Mpumalanga enjoys a sub-tropical climate with hot summers and mild to cool winters. The average annual rainfall is 767mm, with approximately 10 times more rain in summer than in winter (Stats SA, 2003).

Mpumalanga Province is home to about 3.2 million people, less than 7% of the total population of South Africa, with about 1.9 million (59%) living in rural areas. The province is predominantly African (89%), with smaller groups of Whites (9%), Coloured (0.7) and Indian/Asian (0.5%) (PGDS, 2002: 22). The province prides itself on the diversity of its people and culture, and uses 10 languages, with the majority (31%) speaking IsiSwati and Isizulu (26%), followed by IsiNdebele (12%), Sepedi (11%), Afrikaans (6%), Xitsonga (4%), Sesotho (4%), Setswana (3%) , English (2%), and isiXhosa (1%) (Stats SA, 2003). According to the 2001 Census, almost 16% of Mpumalanga's population aged 20 and older had some primary school education, approximately 26.6% had secondary school education, whilst 27,5% of this population had no schooling.

The province continues to have a high unemployment rate (41%), which is due to a combination of 'technological and institutional factors, such as high capital intensity and historical restrictions on farming and other entrepreneurial activities' (CGE, 1999: 11). The percentage of unemployed is 16% of the entire population, and about 45% of the population is not economically active (STATS SA, 2003:51). According to this report, about 77% of the unemployed Africans in Mpumalanga had no previous occupation. The highest proportion of unemployed amongst the African population is in the category of 25 – 34 years (45% men and 43% women). White men in this province were found to be more likely to be able to seek work when unemployed. It has been reported that the major job losses in the agriculture sector were a result of structural changes in the Mpumalanga economy, particularly in the forestry sector. As a result, about 52% of African women and 27% African men are considered unemployed, compared to only 15% of white women (PGDS, 2004). African professionals are very limited (1%), and just over 5% are associate professionals or technicians. The rest are working in elementary occupations such as cleaning, agriculture labour and garbage collection, and others in operator, assembly and related occupations.

CATEGORY	% OF OVERALL POPULATION (PROVINCE))	% OF OVERALL POPULATION (SOUTH AFRICA)
Unemployment rate	41.1	41.6
Unemployed	16.5	16.5
Economically inactive	45	43.9
Illiteracy	27.5	17.9
Highest level of education	5.9	8.4
Elementary occupation	32.1	26.5

Table 4.2-1: Statistics of Mpumalanga Province versus South Africa (STATS SA 2003)

The province is politically demarcated into three regions: The Gert Sibande Municipality, the Nkangala Municipality and the Nkangala District Municipality. In terms of land reform, each of these areas is faced with its own unique challenges, ranging from increasing levels of legal and illegal evictions, mineral rights, and security of tenure of occupiers of mining land to illegal immigrants and communal land disputes (DLA, 2005b). The progress of land reform delivery (as can be seen below) is typical, and sometimes worse than the slow progress experienced throughout the country in general. The scattered distribution of the population, with slightly less than two thirds of the population living in rural areas (60.9%) and about 39.1% in urban areas, has been mentioned as the contributing factor in the slow delivery of services in the province (PGDS, 2004).

5.2.2 Land Reform Progress in Mpumalanga

The total land area of Mpumalanga Province is 79 490 00 hectares, about 6.5% of the overall South African land area, with the Northern Cape being the largest (29.7%) and Gauteng occupying the least (1.6%). According to the Growth and Rural Development Strategy of Mpumalanga (PGDS) in 2004, about 3.4% of this total land area has been transferred as part of the land reform programme. This is below the RDP's 1994 target that 30% of privately-owned land would be transferred in five years, but is slightly higher than the national average which is just below 3% of the total land surface of South Africa.

In terms of the Restitution programme, more than 5, 000 claims had been submitted to the Land Claims Commissioner in Mpumalanga Province in 2004 (PGDS, 2004). The report acknowledges that if the current levels of resources (human and capital) are maintained, the provincial Department of Land Affairs will not be able to meet the deadline. Despite this, the statistics provided by DLA during the Land Summit in 2005 revealed that some progress has been made in the last decade. In terms of restitution, out of the 62, 127 claims in SA, about 1604 claims on 9200 ha of land were settled in Mpumalanga to 145, 391 beneficiaries, rating the province second-last when compared to other provinces (DLA, 2005:27). Of the R536 million spent in the province, about R342m was spent on the cost of land and R83m was paid to beneficiaries who opted for financial compensation. From the statistics, KwaZulu Natal Province takes the lead with the most beneficiaries and hectares delivered. The Eastern Cape however, has settled more claims than any other province. There was no statistics available according to gender differentiation in the document.

During the 2004—2005 financial year, in terms of the Redistribution programme in Mpumalanga, the DLA reports reflect the combination of Labour Tenants and LRAD projects delivered as having increased (DLA, 2005b:91). Nkangala and Ehlanzeni Regions in particular, are reported to have delivered increasing numbers of LRAD projects for that year. The province overall delivered 36 projects, 26 of which were LRAD, 7 Labour Tenant and 2 mixed projects. The progress has not been achieved without challenges. According to the DLA (2005b: 91), challenges prevalent in Mpumalanga alone included high land prices, human and financial resources, sustainable land reform, alignment with other departments, capacity of beneficiaries, foreign land owners, disputes over communal land, disputes over land allocation and processing of labour tenants' claims. By December 2002, about 267, 000 hectares had been redistributed through 504 projects by both Land Bank and Land reform offices throughout the country (ibid). Of these, 44 000 were transferred in Mpumalanga province alone, through 74 projects, making the province the second best performing with Eastern Cape taking the lead.

Data from a land rights NGO in Mpumalanga (TRAC-MP), provides evidence of a significant increase in the number of cases of eviction reported. Police and magistrates have not treated illegal evictions with the severity required in a criminal matter, either because they were not knowledgeable of the procedures as stipulated by ESTA on how to handle

eviction cases. Sometimes, there were reported allegations that court officials are bribed by the white farmers to turn a blind eye on the reported eviction cases. Besides, local governments have largely failed to provide the 'suitable alternative accommodation' required by the Act for occupiers evicted in accordance with ESTA procedures, resulting in the growth of poor informal settlements on the edges of commercial farming areas and around rural towns. DLA admit to the (ab) use of the Law by land owners to legally evict farm dwellers (DLA, 2005b:18). The reports on local media and through Human Rights Commission have proven that this legislation tends to merely regulate evictions and "does not pro-actively seek to secure rights' of farm dwellers in a sustainable manner" (ibid). This has led to the department's review of the management of evictions currently underway.

While I was working with TRAC-MP between 2001 and 2003, white farmers who were taken to court often boasted of their financial and legal capacity to 'beat' the justice system. Whilst the *Extension of Security of Tenure Act* (ESTA) allows farm dwellers to apply for grants for on-farm or off-farm development, few such grants had been made by 1999 (Lahiff, 2001:2). Instead, farm dwellers who were evicted by white farm owners ended up living in squatter camps; this transferred the problem to already overburdened municipalities. By March 2000, Lahiff (2001:3) maintained that about 2 1917 claims had been lodged from KwaZulu Natal and 2, 086 claims from Mpumalanga. This implies that even after democracy, the apartheid status quo prevailed. Two main factors were attributed to this — the DLA's limited capacity and the inability of the state to provide legal support for the victims due to Legal Aids' increase of tariffs. It was because of this that in 2002, TRAC-MP initiated a Mpumalanga Legal Service, together with the Rural Legal Trust in order to increase the legal capacity of labour tenants. In their annual report of 2004—5, the DLA admitted that it had failed to meet some of its annual delivery targets. In terms of effecting this Act, "the number of *Section 17* notices issued to land owners, the number of agreements concluded and the number of court referrals is below target" (ibid:18). The department's failure is attributed to Mpumalanga province's 'more constructive approach' taken during the year. The department was to place more emphasis on negotiations with farmers' unions and land owners rather than issuing *Section 17* notices at the onset, which subsequently decreased the number of court referrals. By this year, only 51 (of 18, 905 hectares out of 245 targeted farms were transferred to about 1 500 households throughout the country (DLA, 2005b:64). In addition, by the end of June 2005, the DLA boasts to have secured 3, 500 hectares of land for about 5, 600 households, through 36 projects

(DLA, 2005a:24). According to Aliber (2003), approximately 60, 000 beneficiaries were allocated grants for land acquisition between 1994 and 1999. About 700, 000 hectares had been allocated throughout South Africa, of which about 150, 000 was transferred in Mpumalanga alone. The province rated number 4 compared to other provinces, with Northern Cape rated the highest (55, 000 hectares) through the municipal commonage, and Gauteng rated last. These figures were equivalent to less than 1% of the country's commercial farmland, and were far less than the estimated RDP programme goal of 5 million hectares annually (Aliber, 2003:2).

According to PGDS (2004), there were no targets have been set for the settlement of labour tenant claims that mostly occur within KwaZulu Natal and Mpumalanga Provinces. The PGDS document (2004) claims that all expectations were met during the pre-settlement phase in Mpumalanga, but that many approved projects could not be implemented due to lack of grant funds from the National Department of Land Affairs (pDLA). This seriously affected the continued availability of land on a 'willing buyer, willing seller' basis and added to the frustration of both the prospective new entrant and the seller. No funds were available for new development projects and the provincial Department of Agriculture (pDoA) was implementing projects that were funded through conditional grants. Generally, the situation has partly been addressed by entering into joint ventures for extension and training (e.g. Cotton SA and TRAC-MP).

5.3 The Project Site

The farm was identified by the beneficiaries through the assistance of their former employer, John. Located near Rocky's Drift in the Mbombela Municipality, it lies in an easily-accessible area between Nelspruit, the capital of Mpumalanga Province, and 6km from White River. It is Portion 7 of the farm KATOEN 278 JT. The portion totals 8.865 hectares. The former owner used it for chicken and small-scale pig farming. In 2001, when the application was submitted to DLA, the farm's infrastructure was well maintained and is still in proper condition for the immediate continuation of farming. The farm was surrounded by electrified fencing, and had two main gates. There are numerous buildings on the property: two modern houses, with electricity and sanitation. The main house, with four bedrooms, a large kitchen, dining and lounge (living) area is approximately 219 square meters. The property has a pool and lapa area, with a flat next to it which was used as

servant's quarters at the time. The house is surrounded by litchi and mango trees. The Mathebulas rented the premises to a white family (the former employees' daughter and son-in-law) for R2, 000 per month on condition that they maintain some of the infrastructure. Aida's son, Senzo, his wife and 3-year-old daughter occupy the servants' quarters.

The second house, a 3-bedroomed house, with a kitchen, combined lounge and dining room and a bathroom, is 116 square meters. This house was initially occupied by John and his family immediately after the former owner relocated to Cape Town in 2001. In 2003, after John left for Mozambique, Aida moved in. Her children, grandchildren and nephew occasionally visit during school holidays. Her nephews and nieces who work in nearby towns always visit during their 'off' days and stay for several days in transit to and from work. Next to this building is another 75 square meter servants' quarters, which Aida is currently using as a store room with the intention of extending it into a double garage. Six broiler houses in total of 3, 600sq.m, lie on the eastern side between the two main resident houses. Appendix 5.3 (Figure A.9) shows photos of the dwellings in the farm.

In addition, the farm has two boreholes and a well-established water system. One borehole pumps water to two tanks and a reservoir. A cement dam and an earth dam were used by the previous owner to store water for both animal and human consumption. Along the eastern face, pigsties occupy 480 sqm of the premises. This represents the optimal usage of the property, considering its small size. There are numerous buildings on the property to support this operation. These include a reservoir, boreholes, and an abattoir. The 270 sqm abattoir is currently in a deteriorating state.

According to the business plan (DLA, 2002:7); the property has deep soil with a steep slope facing in a south-westerly direction. Erosion is prevented by heavy soil, soil cover and stable mulch. The farm has two soil types - Sweetwater and Hutton. These have high water-holding capacity and do not erode easily. Hutton covers about seventy five percent of the farm. The dominant grass species in the farm area consists of *Themeda trianda, Digitaria sp., Eragrotis suporba, Penicum maxima and Denstum,* which grows in the shade of the trees. Kikuyu grass is found in between the fowl houses and around the piggery.

Since 2001, there was little agricultural activity on the farm. For about four years, the broiler houses and pig sties stood empty and were non-productive. The rest of the land with potential for fruit production was not used. The other land was used sparingly to grow

vegetables for subsistence and commercial reasons. The project inherited about 300 feeders and drinkers from the previous owner. Whilst awaiting land transfer, the core (dedicated) members of the Mathebula Project continued to clear land, plant vegetables, repair infrastructure and organise operating systems like accounts, business plans and bulk connections (MMMPP, Jan - Mar 2004).

5.4 The Project Members

The composition of members was established as a means to acquire land through the Land Redistribution programme, discussed in Chapter Three. The Constitution of the project was established in terms of *Section 2(b) of the Communal Property Association Act (No.28 of 1996)* and provides an overview of the principles of the Constitution, which all land reform projects established through the *CPA Act* should adhere to.

The project comprises 37 individuals: 11 men and 26 women, who are members of 9 households of the extended Mathebula family. The members were mobilised by Aida to form a Communal Property Association (CPA) with the intention of buying the identified farm. Aida is the main driver of the project; hence she is used as a point of reference throughout the study. Appendix 5..3 (Figure A.10) shows Aida in front of her house. Thirty (30) members are the direct descendants of the 82-year-old grandmother, Gogo Selina, who gave birth to eight children — five daughters and three sons. Of the remaining seven members, two are Gogo's brother's children, four are Aida's sister-in law's children, and one is Aida's daughter-in-law, Zandile. Aida is the sixth child and the fourth daughter of *Gogo*. Of the eight children, only three of them are still alive. Zandile is the only person who is associated by marriage to this family. She is married to Senzo, Aida's first born. The family tree of the Mathebula Family is shown in Appendix 5.4. (Figure A.11). An analysis of how the membership was determined and the governance which prevailed in the project is discussed in Chapter Eight.

5.4.1 Level of Education

According to the DLA's business plan, the highest level of education of the members is Std 10 (secondary level). 25 of the members (68%) have secondary education, whilst nine do not have any formal education at all. All of the 'un-schooled' group are elderly, and

comprise of Gogo, some of her children, and Aida's cousins. Only three people have primary education. The following chart represents the education level of members:

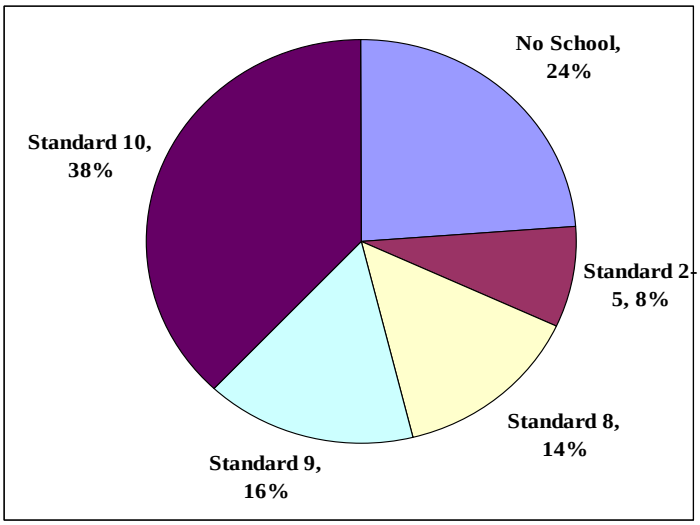


Figure5.4-1: Level of Education

It was difficult to confirm the data and segregate according to gender as most members have not gathered on the farm since fieldwork commenced. The active members could not recall the specific levels of each individual. The DLA's business plan with attached beneficiary list did not have segregated data either.

5.4.2 Employment Status

At the time of the application to DLA (in 2003), 16 of the members were self-employed as hawkers, five were farm workers, six were temporarily employed as domestic workers and the rest (ten) were unemployed. Although the business plan did not segregate data according to gender, Aida could recall that at the time of application only 20 members were employed (4 men and 16 women) and the rest (17) of the members (eleven women and six men) were not formally employed (see Table 5.4-1). The individual income of all members ranged between R150 to R600, with 40% earning less than R350. It was difficult to trace changes in the employment status of the individuals after four years because most of them had not been 'active' in the farm. From the interviews, it was evident that some of the people have since found jobs, and that some of the younger generation (who comprise the majority) were reported as not having had any interest in agriculture from the start, but had completed the forms to assist Aida to acquire land under their family name (Interviews, Sydwell and Jane, June 2005).

5.4.3 Marital Status

According to the beneficiary list, the project consists of 26 women and 11 men. Whilst the business plan indicates that 77% (20) of the women were not married, the membership list submitted to DLA reflects that only about half of this number (nine) was not married. Only five of the 11 men were married. In total, 22 members were married and 15 of them single (see Table 5.4-1). Other than Zandile, none of the spouses of these family members are registered project members. Only Aida's sisters, brothers, nieces and nephews have been considered in this project. Aida's account on this matter was that whilst these members might have *de facto* tenure rights, she was not keen to involve individuals whom she would not be able to control and manage especially in conflict situations. The table below reflects the employment and marital status of the members:

CATEGORY	SUB-CATEGORY	MEN	WOMEN	TOTAL
MARITAL STATUS	Single	6	9	15
	Married	5	17	22
	Total	**11**	**26**	
Employment Status	Employed	4	16	20
	Unemployed	6	11	17
	Total	**10**	**27**	

Table 5.2-2: Marital and Employment Status of the Family Members

5.4.4 Age Levels

The business plan identified some discrepancies regarding the demographics of members. It reflects that of the 37 members, '59% (22) are below 30 yrs of age, 24% (9) between 30-40 age level and the remaining above 40 years' (DLA, 2003). However, the attached Annexure B which specifies members' identification numbers, indicates that only 48% (18) of the members were below 30 years, 32% (12) were between 30 and 39 and seven (19%) were

above 40 years. These discrepancies raise questions of whether the business plan was a 'cut and paste' exercise from another existing business plan. The following shows age distribution of both men and women.

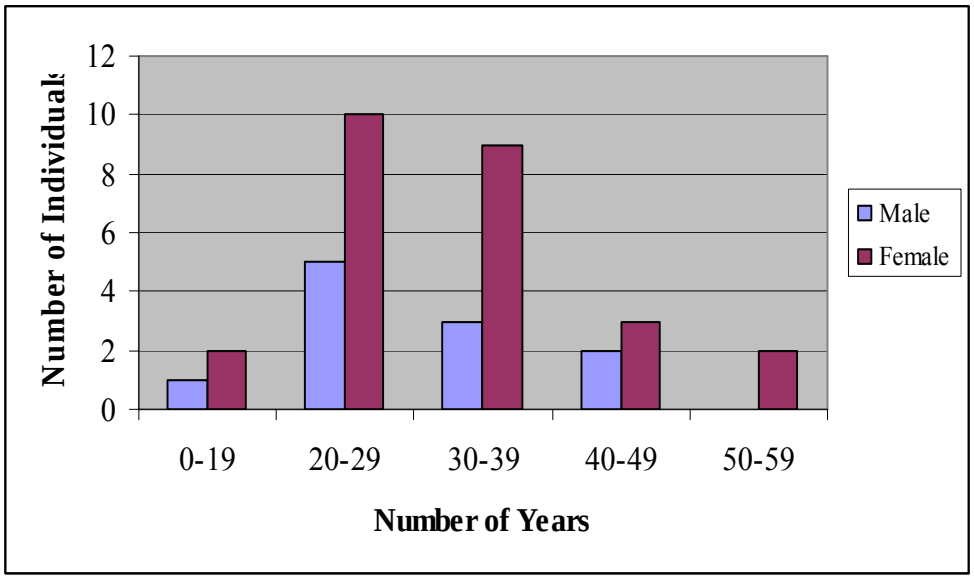


Figure:5.2-3 Age Distribution of the Members

5.4.5 Skills

One of the strengths of this group is that the majority have experience of the main agricultural activity of this project, which is vegetable and poultry production. Only 10% of the community members indicated that they had no agricultural experience (DLA, 2003:5). 29 (78 %) have experience of vegetable farming, 14 (38%) have poultry farming experience and six (16%) have pig production experience. Together with these, seven men have additional non-agricultural skills (driving, welding and bricklaying) and only four women had additional skills of dressmaking and baking. The family's collective skills present an added advantage to the sustainability of the project, although not all members had been active throughout. Both the agricultural and non-agricultural skilled activities are relevant in the running of the project as there is need for fixing pipes, building and welding, especially in the broiler houses and the abattoir which need occasional maintenance. However, lack of skills related to farm management, as well as financial problems were identified as some of the major threats to the sustainable development of the farm. Table 5.4-3 represents the combination of skills of project members.

AGRICULTURE	NUMBER	OTHERS	NUMBER
Poultry	14	Driving	3
Pig Production	6	Baker	2
Vegetables	29	Dressmaker	2
Maize	11	Welding	1
Diary	1	Brick Layer	1
		Security	2

Table 5.4-3: Combination of Skills of Project Members

5.5 Introduction of the 'Active' Members

Whereas there were 37 signed members who were official members of the project, during the research period there were only four active members in the project, namely Aida (the main driver and chairperson), Herry (her brother), Jane (her eldest daughter) and Zandile (her daughter-in law). All of them stayed on the farm during the research period, prior to the land transfer. For purposes of this study, Aida is the point of reference since she was the main driver who single-handedly managed all the processes which led to the final success of land transfer. Below are summaries of life stories as told by the respective project members.

5.5.1. Aida

Aida turned 46 years old in 2003. She gave birth to her first child Jane when she was 16 years old, after she passed Standard 4 in 1973. Aida is a very strong woman who has struggled throughout her life. She suffered abuse at the hands of her husband, the father of her children; raised her children on her own after divorcing her husband. She has six living children — four sons and two girls, and 6 grandchildren — 3 girls and 3 boys. Although Aida has a primary school education, she has learnt a lot from her past 20 years of farm experience as a labourer on a tobacco farm, a domestic worker, a supervisor on a vegetable farm and in timber production and a floor manager in a butchery.

Her life has been a mixture of struggles and triumphs, which she believes have contributed to her strength. Below is her life profile. Before she became pregnant, she used to work on an orange farm after school and was paid 10 cents a day. She never returned to school after her child was born because her husband (the father of the child) would not allow her to do so. She then worked on a tobacco farm (together with her parents) which was owned by John, a white farmer. Her husband-to-be worked at the nearby Rainbow Chicken farm.

'My parents are folks from Bushbuckridge. My mother's name is Selina, a second wife. I was born on the 29th October 1957 in White River. In 1962, my parents moved to Karino where I went to school until 1967. I remember I used to work in an orange farm nearby after school. I was paid 10c per day. I finished school in 1973. I had just passed Standard 4, at 16 years of age, when I got pregnant with my first child, Jane.

My husband did not want me to go back to school after the first child. I had twins after then, Senzo and his twin who died. Then it was Zanele. Then in 1981, I had twins again - all girls. I was still working in the tobacco farm. Mina Mvusy ndihlukumeteke kakhulu, andithandi kukhuluma ngalokho (I was abused by my husband; I don't want to talk about that). He had 4 wives in my house. I was used to that. He did not want me to read or write letters to my family. I used to write letters in the forest and he did not allow me to visit home, although it was close.

I worked in a tobacco farm from 1974 to 1994. I worked for R5.00 every week and used curtains as blankets. He wanted kids - that's all. Now we don't talk to each other and we will never forgive each other too. Ngahamba ebusuku ngo 01h00 midnight nomntana kamalume (cousin). I left with her. In 1982, I divorced. I don't think I will have another man. All my kids are from the first husband.

I had started working in Van Zyl's farm as a domestic worker. My father died in May 1983. John gave me material to build my own house. I bought a stand in Kabhokweni and I built a 2 room. I was pregnant then. I remember.. me and my kids moved in my house with wet floors. Before then, Van Zyl had paid me money for maternal leave for 2 months. After delivery, I had to go back to work, before inkaba ingekawi (before the child's umbilical cord had fallen).

1996 was a terrible year. That year… I got sick and was diagnosed with low blood. Dr. Du Plooy said ndinesigadla (cyst) in my womb. He suggested I must sterilize. I went to theatre and was in hospital for a week. My mother was so scared, because on the 21st of July on Sunday 1996, Kenose[brother] had died in hospital.

One day in 1998, I was with Lucia, a friend to Sipho at the Thandanani spaza [the butchery shop] a man came in to rob us. He pointed me with a gun. He shot Sipho on the arm and he was taken to hospital for 2 months. He did not get the money, because it was in my underwear.

I wish I could change my life to be better. I know that I did not go to school, but I do not see myself as poor.

Figure: 4.4-3: Aida's Life Challenges

Despite her struggles, Aida does not see herself as a victim; she continued to support her family members. Through this project, she is confident that her dreams will come true. What was interesting about Aida's account was the fact that although she acknowledges that she does not have enough resources to provide for her children, she does not regard herself as a poor woman. As she understands it, poverty is associated with lack of financial and educational resources which enables one to look after children.

5.5.2 Jane

Jane, Aida's eldest daughter, stayed in Aida's home in the Hazyview rural area. She was 32 years old. In general, Jane was a very shy person, only speaking when spoken to. Jane's main responsibility was to look after her siblings and her own children who stayed in Hazyview. Aida owns a 5-bedroom home, and five children live there by themselves. Jane's eldest child, who is 17 years old, heads the household when Jane is not around. Aida's reasons for keeping the children there on their own are as follows:

> *They also have goats they look after. I could not sell the other house because it is difficult to raise kids here in the farm. There is a lot of travelling and transport money needed for the schooling kids which I cannot afford. Over there it is better that can walk to school, I only pay for their school fees and food* (Interview, Aida 18th May 2004)

Jane became a student at the Agricultural College in 2005. She was nominated by the project to study farm management as part of the training offered by an NGO, The Rural Action Committee in Mpumalanga (TRAC-MP) through a Mentorship program. There were six students identified from different projects in Mpumalanga Province. The course comprised of two years' course work and the third year fieldwork. During the first year, Jane studied six subjects, namely Soil Science, Engineering, Plant Protection, Farm Management, Irrigation and Computers. The contract was designed in such a way that

students had to work on the respective farms for three years after completion of their studies before they followed other careers.

One of Jane's identified milestones was her difficult experiences at the college during the first two weeks of orientation. She mentioned how they were 'treated' by the Student Representative Council (SRC):

> *When new students arrive at a college, the older students mistreat the new ones. They give them difficult and sometimes gruesome tasks to perform. They take away their cell phones so that they don't call their parents.* (Interview, 22nd February 2005).

The older students gave the new students stones to sleep with as either their girlfriends or boyfriends, and told them to talk to the stones if they wanted someone to confide in. They forced them to sleep on the floor. Everyday they woke up at 4 am and returned at 3pm in the afternoon. They had to wear gumboots and overalls and exercise the entire day. *"I was crying, and nearly left the school that period"* she recalled with smile. Herry had gone to visit her at school during orientation and he had experienced the torture they went through.

Jane mentioned that there was still a lot of racism at school even by the year 2005. Black and white children slept in different demarcated dormitories. The white children would shout at black students if they walked behind their dormitories, '*Kaffir, wat doen jy hier so!*' (Kaffir [a derogative term used towards Black people] what are you doing here?). There were attempts to discipline students who made those remarks. Jane had directly experienced these racist acts and learnt to fight back herself. Apparently there was also an intervention by the Department of Education, but things had not changed by the end of 2004. In 2005, the Department appointed a black female principal and two other black lecturers. Things were starting to change; the lady had promised them that there would be some improvement.

Nonetheless, Jane ultimately enjoyed school, except for the challenges of the difficult subjects she had not taken at High School. She had not learnt Computers, so she had to learn to use a computer within a week as the lecturers only accepted typed assignments. In particular, she found the subject of Farm Management very difficult. She did however qualify to write exams for five of her subjects, except for Farm Management. It was a requirement that students should earn 80% before they were allowed to write exams. Jane only managed 76% for Farm Management. By 2005, she was completing her second year at

the college. Within a year of her enrolment at the college, in Jane's view, her future role and plans for the farm were very clear.

> *After I finish the college, I will be trained by my mother for a year or so on how to manage the farm. I will be bringing lessons from school, but Ma will have had experience to manage the farm, so she will help me. I can only take over from her after a year*.

Jane acknowledged that she wouldn't be working on her own, but that she would be working with other people in order to attain the family goals. Of interest was that although Jane would be the official qualified farm manager, she respected her mother's role in farm management. She perceived her role as that of assisting her mother, rather than taking over from her, since she believed that her mother was the one who had opened opportunities for them. *"We encourage her in so many ways, Andrea (Senzo), Herry, Skoni (sister-in-law) and everybody… I will assist with finances whilst my brother will do administration"*.

As she pointed out:

> *… I don't have an idea about financial matters…my brother Sydwell will assist me in that and he will bring a positive contribution to management of the farm, whilst my mother will be overseeing the operations*.

Jane's future plans for the farm (which she shared with her mother), was to introduce perma-culture and sell the products to tourists along the road to White River. At that time, Aida and two other members, Lilian and June, had undergone a two-week perma-culture training course in the Free State as part of the TRAC-MP training program.

It was a challenge for me to record her past experiences. She did not easily divulge information about her past, and every time I asked her to tell me, she kept quiet and had a sad look on her face, as though she was going to cry. However, when I talked to Jane about her present and future, she then opened up. Jane was the main person available to look after the children, before she joined school. Thereafter, telephonic communication was the main mechanism used by Aida to manage her two households. During Jane's school holidays, she continued to visit and stay in Hazyview. Jane's input on the farm was very minimal. She had not told Aida that she was pregnant until she had to go to hospital for delivery. At the time she was suffering from HIV/AIDS. Sadly, Jane did not see the realisation of her vision and plans as she later died of an HIV/AIDS-related sickness in December 2005, leaving Aida to look after a two-month-old baby.

5.5.3 Herry

Herry was the youngest son of Gogo. On my arrival in the field, he stayed alone in a flat on the western side of the farm. However, he "relied on *Sisi* [Aida] for food" (Interview, 18th May 2004). Herry was a pleasant, middle-aged man, two years younger than Aida. He was very eloquent in English and Afrikaans. He was separated from his wife, and had six children, four of which are members of the project. I was warned by Aida after interviewing her on her life story that Herry does not want to talk about his marriage, so I had to be cautious. In confidence, she told me a sensitive family story which led to his separation and the reasons why he was not even speaking to his in-laws or his wife.

Herry was basically Aida's right hand man. He was very passionate about the farm and was always on the farm and available to assist Aida with any activities as required. Uncle Herry, as he was popularly known amongst his family, was Aida's confidante and favourite sibling. Herry relocated in order to stay with Aida on the farm. He occupied a brick dwelling (flat) with a corrugated iron roof at the far west of the main house. Next to it was what had been used as an abattoir by the previous owners. He stayed on his own as his four children stayed with their divorced mother. However, his eldest son Themba, known as the notorious one, occasionally visited Aida on the farm.

Herry worked closely with Aida previously in a shop selling *amathumbu* (cows' intestines) in the butchery on John's farm. He had won his sister's confidence and trust. He worked diligently and with passion. They often joked. Whilst in the field on Tuesday, 18th May, 2004, Herry complained that Aida 'works too hard' and he could not cope to compete with her when it comes to work. He joked that she needed to be hospitalised so that she could take a break. He also relied on his sister to assist with family problems. For instance, when he was told by one of Aida's sons that Temba (his son) was in jail, with anger [towards his son's behaviour] he confidently said, *"Sisi is the one who deals with such issues in the family; I won't go for that…"* Herry was a father figure to Aida's children, and was the person whom Aida consulted when there were problems. For instance, when Jane (Aida's first daughter) had problems at boarding school, Herry was the one who went to see the principal and to complain about the black children being ill-treated by white children in the hostel. When Jane was experiencing problems during orientation week at the College, he was the one who went to speak to her and to offer her support. He also had a sense of humour and was a pleasant person. However, when he was angry, one could not mistake

him for the same pleasant person. The DLA processes and dealing with its officials were one such instance where he would voice his anger.

Unlike his sister, he was very impatient and sensitive as well. Herry, at Aida's request, was the first person to have worked very closely with DLA and DoA officials. But after a period of delays, he decided that he did not want to deal with the officials anymore. Even when there was conflict within TRAC –MP between their mentor and the coordinator, he did not want to speak to the mentor at all. He said, *"…the problem is that the process gets delayed because when the two bull lions fight, the grass gets affected*" (Conversation, 12th July 2004). In general, Herry was a very respectful person, especially toward his sister Aida. If Aida talked, he kept quiet even when she interrupted him. However, he was very vocal about his frustration of the progress of the project. Once he even mentioned that if anyone took the farm away from them at that stage, he would 'do a suicide bomb' at DLA [the department]. The whole building, together with the Department of Home Affairs would go down [because both departments are in the same building]. Narrating the procedure, he would first "*write a note to say what has frustrated him so that the whole world would know and then he would blow up the building"*. Although this was meant as a joke, it showed how frustrated he was with the bureaucracy.

Herry got visibly sick in January 2004. He tired easily when in the field, where Aida would insist that he should rest. In February, he complained of stomach ache and diarrhoea and would often be seen sitting in front of the house. Aida was concerned because Herry was not eating well. He went to hospital and was given medicine. Herry refused to use the medicine and preferred to go to *inyanga* (traditional doctor). His condition deteriorated as months went by, and Aida could not look after him anymore as she was still busy with the farm processes. By the 28th of July, Herry was staying with Aida's mother, Gogo Selina, who looked after him. He was diagnosed with cancer at an advanced stage. He was also a very stubborn person. During his ailment, Aida mentioned that, *"Herry does not want to go to hospital, because he does not trust doctors. The family is going to take him to the traditional healer*". (Interview, 27th August 2004). After that, Aida was alone on the farm and she despaired of Herry surviving until the end of the year. "*I am not sure I will be able to cope without him. He was so active and helpful in the farm*" said Aida sadly.

Once, I visited Herry in his mother's house. Gogo Selina was complaining that he was refusing to eat. It was only through Aida's encouragement that he would succumb. He was

bedridden then. In his ill state, he could only utter few words in pain, "*uba nje banga ze bawunikeze umhlaba wethu, mina sengifuna ukuyosebenze ngisazi ukuthi ngumhlaba wethu, yaye sobe bawuthathe kwakhona* (If they could only transfer the land, I would like to go back and work in our own land knowing they can't take it back)". On the 20th May 2005, Herry died of cancer before he could witness the final transfer of land to his family.

5.5.4 Senzo

Senzo is Aida's first son who occupies the servants' quarters of the other house rented to white people. He lives with his wife Zandile, and their 2-year-old daughter. He is one of the project members who has passed Std 10, and is 30 years of age. He has had a full time job with a nearby motorbike company for some time. His initial portfolio in the project was as Secretary. Since there were no formal meeting of the project members (unless called by other institutions) and those organized by officials were held during the day when he was at work, he never actively participated in his role. Although Senzo was an official member of the project, he also did not participate in any farm activity. Hence, he 'resigned' from the project in 2005.

Senzo was very helpful in his mother's life [Aida] as he contributed to the family's livelihood in the form of income. So Aida also gave him R300 every month from the income generated from the rental. When probed as to why she gave Senzo money even though he was employed, Aida responded, "*USenzo nguye ohlala ekhona la ekhaya, ma sifuna uncedo ngezemali, sikhalela kuye, ngoko ke kusifiso ukuthi ndimnike imali esiyifumanayo la e-projectin"*. (Senzo is the one who is always here at home, and therefore it is important to share with him any income from the project as we depend on him when we are in financial need). Several times when on site, he would pass by his mothers' house from work to park his bike inside the lounge area. Whilst a few members have assisted during their 'busy' times, Senzo does not even assist in the farm activities. One Saturday, I observed that he spent his time cleaning his bike and that his mother was proud of his ability to fix bikes. Perhaps his lack of interest in the family project explains his withdrawal from the 'new' Executive Committee after Herry's death. However, he plays a supportive role in his family. He buys food for his mother and assists in supporting his siblings who stay in Aida's rural home.

5.5.6 Zandile

Zandile is the only 'outsider' in the family, having married a project member. She is 25 years of age and passed Std 9. Zandile was Aida's daughter-in-law, married to Senzo, the eldest son. She lived with Senzo and her 2 year old daughter in the servants' quarters of the second house, located on the eastern side of the farm. Aida did not have confidence in Zandile. Before the project, Zandile was unemployed, and worked as a housewife. It was her dependency upon Senzo that Aida despised her for. Zandile's main responsibility was to look after the child. Zandile's main activities were centred on household chores - cleaning the house and cooking for her husband and child.

In late 2004, when the second house was rented to a white family, Zandile was employed as a domestic worker with that family, who paid her R200 a month. Despite this contribution to her household, Aida was not really impressed with Zandile. Her job was seen as temporary, pending the future operations on the farm. It seems that Zandile was included in the project both as a member and Committee member for convenience. Her relationship with her mother-in-law is not very pleasant. Although they share the responsibilities of looking after the baby girl, who adores Aida, Aida does not hold Zandile in high regard. She believes that her son did not propose to her, but that the marriage was arranged by Zandile's parents.

USenzo zange amshele phela, [Senzo never proposed her] …*her parents encouraged her to stay together with my son. They thought he was rich because my son was spoiling her. They wanted her to get married to a rich family* (Aida, 07th June 2004).

Aida believes that Zandile does not deserve her son because, '*she is lazy, she drinks alcohol, only passed Std 9, and 'akaqondi'*[behaves like she did not go to school*] can't even speak English, she talks too much*'. However, Zandile has always behaved courteously towards Aida, understandingly showing respect to her elderly mother-in-law.

5.5.7 Sydwell

Sydwell was not an official member of the project. He is Aida's fourth child and is the second son. He is 19 years of age. He has passed Std 10. He dreams of becoming an engineer, but "because his mother could not afford his studies, he had to work part-time in a restaurant as a waiter to save money for school fees" (Interview, 23rd April 2005). While he

was working at the Dros Restaurant, he was responsible for buying food for his mother's house and the house in Hazyview. However, after Herry's death he was actively involved in the running of the project, assisting his mother with household chores and administration of the project.

5.5.8 John – The Mentor

John Gerber was Aida's parents' employer. Aida started working on John's farm as a school-going child. After her father's death and her mother's retirement in 1984, John assisted Aida to buy a stand and build a 2-roomed house at KaBhokweni for the family, an urban rural township near Nelspruit. Later, John also assisted Aida by giving her material to build her own house for her children in Bushbuckridge. Subsequently, Aida and Herry worked for John growing vegetables and selling them at the market since 1992.

In 1996, Aida worked for John as a supervisor on a vegetable farm. John was also involved in timber production, and made Aida responsible for cutting and pricing loads of timber and delivering them to Klip Koppies [another town]. As she explained, "*John taught me to work hard. It was difficult. He paid me R1000 a month from which I bought a blanket every month. If it was not for him, I would not be here today*". She supervised about 100 workers who were mostly men.

Things did not go well with John's farms and he opened butchery in Daantjie, another urban township in Nelspruit. John had seven farms when he went bankrupt and he sold everything except three vans. He placed Aida in the butchery as a Floor Manager. At that time, John was already on pension; his family depended on the butchery's profit. Aida recalls:

> *... I used to stock chicken, amathumbu enkomo (cow's intestines) and cow's heads in the shop. Everyday, I woke up at three in the morning, pack my stock in a van and go the market at about 5 a.m. I sold a set of cow's intestines with the head at R180 per pack. By 12h00, I would have made about R7, 000. Everyday, I would come back with almost about R12, 000 which I gave to John. I was also responsible for managing the people running the butchery at the same time. Richard and Herry assisted me as a driver and a body guard at the market.*

In return, John paid for Aida's children's school fees and uniforms, and also paid her R1, 500 each month if the business did well. Aida recalled times when they were robbed and how she had learnt to keep her money in her underwear because *tsotsis* (criminals) would never suspect. It is clear from this that John trusted Aida and had confidence in her because he put her in charge of all his businesses.

John moved to Mozambique after 1994 and sold his farms in South Africa. It was at the time he heard about the Land Redistribution program and informed Aida of the opportunity afforded by the new dispensation. He then assisted the family to apply to purchase the farm. He prepared the business plan and guided her through the application process. John was also instrumental in negotiating the price with the farm owner. Some officials believed that Aida was having an affair with John, an utterance that Aida rejected as pure jealousy and ignorance of the origin of their relationship. She argued "*I can understand why people may say so; they don't know where I come from with John. John taught me to run a business from a very early age*" (Interview 23rd August 2003). As at 2006, John occasionally visited Aida's farm whenever he was in South Africa.

5.6 The Active Members' Roles in the Project

5.6.1 Aida - The Project Leader

Aida's life story has shown her experience in farm management, financial management and decision making. As the leader of the project, the negotiations, struggles and compromises that she made for herself and her family in realising this project in the stages of implementation of the Mathebula Project are discussed in Chapter Six. Aida's experience of the application process started before this project through the SLAG program in 2000. She applied for another farm in late 2000, which she had identified through her previous employer, John, who was also a farm owner. However, after three months, Aida was informed by the DLA officials that her application had been unsuccessful. The farm had apparently been approved for other beneficiaries. Aida was adamant that by the time she submitted her application there was no competing application. She argued that the officials would have told her when she submitted the forms or would have informed her sooner once they realised it. She accused the Department of Agriculture (DoA) and the Department of Land Affairs (DLA) officials of collaboration against her for reasons she could not understand. After such a disappointment, through the assistance of John's son, she identified the Katoen Farm.

5.6.2 Herry — Office Marketing and Administration

Herry had four years experience as a sales representative and also has stock clerk experience. He was a licensed driver. By 2005, he was the only adult who lived and worked on the farm to assist his sister. Some of the members had since found jobs. Herry was involved in the implementation processes. For instance, he sometimes called for appointments, followed up processes and attended meetings with the Land Bank (field notes, 30th May 2004). He assisted his sister in making decisions about the project, such as which vegetables to plant, which broiler houses they would start with, when to start preparing the fields for ploughing, and how to tackle family problems.

He was the technician on the farm and did all chores as requested by his sister. His chores ranged from fixing pipes, looking after children when Aida went to town, phoning government officials, paying bills, attending meetings on behalf of Aida, and accompanying her when necessary. As Deputy Chairperson, his portfolio in the project was identified as that of Office Marketing and Administration. His duties as detailed in a Business Plan prepared by TRAC-MP were, 'to ensure that the financial records are properly done, responsible for the sales, look for markets and ensure delivery, responsible for all orders and payments, and to ensure that all sales, purchases and payments are properly filed for easy accounting' (undated). Aida gave him R300 every month from the rent of one of the houses so that he could buy necessities such as toiletries. Unfortunately, Herry died before the land was transferred in 2004.

5.6.3 Sydwell — The Administrator

Sydwell's role in the project only began after Herry's death, when he later joined TRAC-MP to be trained as an administrator. Sydwell is very proud of the project. He said, "*It is a pride to us to have farms just to show these people [Whites] that we can manage farms, not like before when we were workers. Most importantly we need to manage funds so that we can be able to analyse statements.*" Although he does not see himself permanently in his 'trainee' role as an administrator, his vision is to empower his siblings about managing the business. "*That is what White people do to sustain business*" he said. He will assist at the beginning, and once the project is running well, he can continue with his studies. With his mother and sister on site, he does not foresee any problems.

Sydwell also believed that the project has changed their lives a little, although 'nothing' commercial has been happening thus far. They were able to plant vegetables for subsistence and sell some to individuals. Moreover, some of his family members [elderly women] occasionally help to clear the fields and to plant maize for their own consumption. This kept the family together. "Our *relationship is good, but I am not sure what will happen when we have money, but Ma will deal with conflict, I know*" he reflects. It seems that Sydwell's perception about the ownership of the project solely depends upon his mother. "*I learnt patience from my mother through this project. She is using this project to do something for her kids, and that is why we all support her*". His role focused on marketing and fundraising for the project, whilst taking care of overall administration responsibilities. However, his vision is beyond the project as he aspires to be an engineer.

5.6.4 Jane —The Trainee Farm Manager

Jane was subsequently identified as the future Farm Manager and was thus amongst the trainees at the Agricultural College as at January 2004. There were six students identified from different projects which were part of the TRAC-MP pilot mentorship program. Within the Mathebula project, she was amongst the young members who had passed Std 10, and was identified by her mother as having potential for managing the farm in future. The contract was such that the students would work on the respective farms for three years before they could consider furthering their careers or exploring other ventures. The Mentorship progamme is discussed in detail in Chapter Six. She was the Deputy Treasurer of the Committee at the time of her death.

Jane's future ambitions for the project looked promising. She was determined to pass and graduate so that she could assist in management of the farm. As she succinctly pointed out:

> *I would like to see the project going well like the white people…. black people's problem* [in farming] *is that they don't know what to do…when they get money, they are satisfied and forget about the future…here* [in this farm] *I don't want that to happen* (Interview, 24th June 2004).

She wanted to do her practical on an established poultry and vegetable farm in Lydenburg because she wanted to be competent in that field. She shared her knowledge about how to expand farm production with her brother. Her vision was:

> *When everything is going well, we would like to expand to permaculture, to teach tourists indigenous plants. For instance, we will teach them about the Amarula* [Indigenous tree] *and its products*.

5.6.5 Zandile —The 'Invisible' Care Taker

During the research period, Zandile was employed by the white family as a domestic worker. After work, she had to prepare for her husband's arrival; she did not have enough time to assist with the farm activities. Although she would attend meetings, she did not actively participate. For instance, in a monitoring and evaluation training meeting organised by TRAC-MP50, she did not say anything other than putting a mark on a chart when requested; in addition, Zandile participated in meetings and training only when Aida requested her. During the early stages of the project, she was not very active in the project. However, as a member of the project, she was available on site when needed by Aida, particularly to increase numbers during official meetings and signing of papers. Secondly, her role was critical, as she supported her husband who worked in a nearby industrial area as a motorbike mechanic. Zandile's availability on site became crucial to Aida during times of crisis. At the time of both Herry's and Jane's death, Zandile gave support to the family and looked after the farm whilst Aida was preparing for the funerals. Zandile looked after the farm and made sure everything was intact. Initially, she was included as an additional member of the Committee but subsequently replaced her husband as the secretary in 2005. However, her role and responsibilities in the project were not visible by 2006.

5.7 The Leadership structure

This project's the leadership structure constituted of three women and two men and was appointed during the drafting of the Constitution in 2002, with the assistance of DLA.

POSITION	NAME	GENDER	AGE	MARITAL STATUS	EDUCATION LEVEL
Chairperson	T.A. Mathebula	Female	44	Divorced	Standard 4 (prim.)
Vice Chairperson	H. Mathebula	Male	42	Separated	Standard 6 (prim.)
Secretary	A.S. Nyakane	Male	26	Married	Standard 8 (prim.)
Vice Secretary	J.S. Nyakane	Female	28	Married	Standard 10

					(prim.)
Treasurer	E. Shakoane	Female	30	Married	Standard 9 (prim.)

Table 4.2-4: The Mathebula Committee Members (as at 2002)[1]

The table tabulates all the active members discussed above who formed the committee, with Aida holding the position of Chairperson. An exception was the treasurer, who is Aida's niece, the only living child of Aida's eldest sister, Rose (Refer to Appendix 5.5). Aida is the eldest of the committee members and the youngest is 18 years, younger than Aida. At the time of the application, three of the committee members were categorised as 'youth' – aged 26, 28 and 30 years. They all had high school education (Standard. 8-10), complementing the elders who held a primary education. All these members, except for Eunice, lived on the farm at the time. The effectiveness of this leadership structure will be discussed both in Chapter Six and Eight.

The following table *5.2-5* summarises the dual roles and responsibilities of the main actors in relation to the family and the project:

ACTOR	**PROJECT**	**FAMILY**
Aida	Main Driver • Farm management • Overall Coordination with external stakeholders • Financial management • Decision making	Bread winner Household head (farm)
Herry	• Technical manager • Marketer • Driver	Father figure Aida's confidante
Jane	Trainee as future farm manager	Household head in Hazyview
Zandile	"Invisible" support	Child Minder

[1] Names and positions extracted from the business plan submitted to DLA (2002)

		Household chores
Senzo	In-active	Breadwinner Financial support
Sydwell	Assist with financial management	Financial support Baby sitting Project management (in 2005)

Table 4.2-5: Main Actors' Dual Roles and Responsibilities (2003-2005)

5.8 Conclusion

This chapter presented the case study area by discussing the background information on the Mpumalanga Province, with progress on land reform. It proceeded by locating the project site, the Katoen Farm. Detailed demographics of the project members are outlined, with particular focus on the life stories of members who were active during the time of the study. These life stories however, have some limitations. For instance, Jane was a very shy, private person and only spoke when spoken to. During the interviews, she did not divulge her personal experiences much other than her experiences at College. Later, I learnt she behaved in the same manner to her mother. For instance, Aida only discovered that she was HIV positive after eight months of pregnancy, four months prior to her sudden death. In addition, Senzo was totally unavailable to honour our appointment, and I was later told he did not see reasons for the interview as he was not active in the project. I did not pursue the appointment any further.

While the above-mentioned were the main actors of the project during the research period, it is important to note that several other members were observed on site during busy periods such as clearing fields, and planting vegetables and maze for subsistence. Some relatives occasionally visited the farm, either for just a few days or when just passing by '*uzovusela u-Anti'* (for greeting Aunt Aida). Whilst these members were not 'active', it can be argued that their support was very important at this stage of the project, as Aida was striving for survival. Lillian, June, Richard, *Gogo* and Eunice occasionally visited the farm.

This chapter and the previous one provided the context in which the bureaucratic processes of the implementation of the Mathebula project took place. These processes are discussed in the next chapter.

CHAPTER SIX

EXTERNAL FACTORS: WOMEN'S ACCESS TO LAND THROUGH REDISTRIBUTION

6.1 Introduction

This chapter reflects the field experiences of the implementation of the Land Redistribution Programme for Agricultural Development (LRAD) through the Mathebula Family Project. The particular focus is especially on external factors which affected and influenced the project implementation. A distinction between the internal and external factors for this study was dealt with in Chapter Two. For purposes of this study, external factors refer to macro-policies at international and national level, which influence policies within government departments and various institutions.

This chapter discusses the emerging issues associated with the implementation of these macro- policies which are a hindrance to securing women's access to land through the Land Redistribution Program. The key obstacles identified in this chapter are mainly the institutional barriers of bureaucratic processes of approval and the uncoordinated function of land delivery between land implementing agencies. These reflect the existing gaps between policy intentions and the real practice of implementation. Associated with these constraints, general failures in ensuring gender empowerment have been identified. Whilst the experiences of the Mathebula family can be seen as unique to this project, the literature reviewed has revealed that the problems experienced in this project are similar to other development projects (particularly land reform projects) in South Africa and elsewhere.

With the background of the policy development of the LRAD programme, its cycle and the institutional involvement detailed in Chapter One, this chapter limits its discussion to how the Mathebula Project managed to secure its land and the roles played by the various institutions involved — in particular, the provincial Department of Land Affairs (pDoL), Department of Agriculture (pDoA), The Rural Action Committee — Mpumalanga (TRAC-MP) and the Land Bank. For this study, the NGO, TRAC-MP, played a critical role in supporting the project through advocacy, capacity building, and securing the rights of the

beneficiaries. Hence, a general discussion of the dynamic role of civil society in South Africa was discussed in Chapter 2.

6.2 The Implementation of the Mathebula Project

The Mathebula Project was one of the first projects in Mpumalanga Province to be granted approval under the LRAD program, as early as 2001. The government, through the department (DLA), was thus expected to have showcased the efficiency of the program during its initial stages. The Mathebula Project in particular, had the added advantage of its close proximity to government facilities and the collective farm experience of its members - in particular Aida, who had business experience as discussed in the previous Chapter. . How the did the project begin?

6.2.1 Identification and Approval of Grant

Charmaine Hylltonrite was the previous farm owner who was willing to sell the farm because she was relocating to Cape Town. The farm was identified by John Gerber for the Mathebula beneficiaries. John was an employer of Aida, and had previously employed her parents ever since she was born, as highlighted in Aida's life history in Chapter Four. John knew Charmaine because they had both managed Rainbow Farms and thus he had first-hand information about her intentions to sell: he then informed Aida. Aida subsequently heard through DLA, the television and local radio that the government was encouraging (a group of) women to apply for grants to acquire land through a new policy. From this, Aida knew that she had a legal right to acquire the farm. In her life story (15th June 2004) she mentioned: "*I knew that I had a right to apply for land and I qualified as a South African woman"*.

Aida wanted to own a farm because she was unemployed. In her words:

> A*nd I would produce vegetables, chicken and pigs to sell to the market…with the big family I have and that I do not have a husband to look after me, I would be able to generate income for taking children to school* (Interview, ibid).

However she also saw the ultimate goal as being 'rich' and that her children could take over the farm when she died (ibid). For her, owning the farm was a business opportunity which would leverage her current conditions of meeting basic needs (food security, education for children, money) with a long term intention of creating wealth for herself and her family.

Charmaine's initial selling price of the farm was R765, 995. Aida, on John's advice, organised 43 of her relatives who were in possession of an identity document so as to qualify for the grant of that amount (at R20, 000.00 each, the minimum grant for each individual). The balance of R94, 005.00 was earmarked to pay for the agents' commission. However, John assisted in negotiations with Charmaine. After the evaluation of the farm, the cost including the estate agents' commission was R735, 000.00. Aida initially submitted the Deed of Sale to the Land Bank where she was advised to approach the Provincial Department of Land Affairs (pDLA) for assistance. It was then that she made contact with Fundy Xhakaza, one of the officials who later became the project officer for this project.

As early as September 2001, a month after the launch of LRAD, John, Herry and Aida prepared a business plan for submission to pDLA. John used his personal computer to draft the required information which was then submitted to DLA as part of the grant application. Mr. S.D. Mashele from the Provincial Department of Agriculture (pDoA) provided technical advice about the preparation of the documents. An initial four-page document reflecting the intention to develop a Mathebula Family Farming Trust was submitted as an application (Appendix 6.1). The pDLA officially acknowledged receipt of the application on the 19th September 2001 (see Appendix 6.2).

At this point, because Charmaine had already relocated to Cape Town, John, Aida, her brother Herry and her eldest son Senzo and his wife decided to occupy the farm to avoid the earlier 'experience' of losing the farm (as mentioned in Chapter Five). John, his wife, son, daughter in-law and their two children occupied one of the modern houses, a three-bedroomed house located in the middle of the farm. They did not pay rent. Aida felt she could not charge John and his family because of their long standing employer (labour relationship) and the fact that he assisted her to secure the farm. In addition, John's residence in the farm was a temporal arrangement since he (and his family) was in the process of relocating to Mozambique. Instead, Aida rented out the other four-bedroomed house on the eastern side of the farm to another white family for R2, 000.00 per month. This was below the average market rate, taking into account the house's size and vast premises. This settlement amount was based on the condition that they maintain the garden and renovate the house with time. It is this income which Aida shared with her siblings and children for survival. Aida, Herry, Senzo and his wife stayed in the servant's quarters next to John's house. Although Aida argued that the allocation of the residences was based on

the amount of furniture (assets) the households had at the time, it was clear that the historical relationship between the two families (farm owner- labourer relationship) was influential in such allocation.

By February 2002, six months after the application, there had been no response from DLA about the project approval. This meant that in principle, the occupants had no legal right to occupy the farm. Aida followed up with the Department of Agriculture and was notified by Mr. Mashele that her application, which went through the Provincial Project Approval Committee, had been rejected because of the insufficient information provided by the project officer from the pDLA. Fearing that the farm would be 'confiscated again and subsequent eviction' by DLA officials, Aida approached a lawyer to challenge the decision.

6.2.2 The Legal Aid

Mr. Mazibuko's practice was based in Nelspruit, located in a shopping centre (mall) along the same street as the Department of Land Affairs. Although he was Aida's family friend, an amount of R250 was required to open a legal file. On the 6th March 2002, the lawyer had an investigative meeting with the DLA's project planner. In his letter (See Appendix 6.3), he indicated to the official that the next provisional date of approval of the application was the 18th March 2002. The Mathebula Project was to be further tabled in that meeting. The lawyer's notes indicated that the DLA officials were responsible for delaying the process. He also indicated that that there was a misunderstanding between the DLA and the DoA officials which resulted in a meeting he had scheduled with them having to be postponed. During his investigation, it transpired that the DLA official had not visited the site prior to submission to the Project Approval Committee; hence, she could not answer some of the questions which were raised during the meeting. This resulted in the project not being approved. During the second meeting he had with the project officer, he was told that the next date of approval was scheduled for the 9th April 2002.

Due to this investigation, the lawyer assured Aida that the farm could not be confiscated and that he would continue to put pressure on the officials to fast-track the process. Mr Mazibuko subsequently wrote to the owner to confirm his commitment to drive the process on behalf of the beneficiaries (See Appendix 6.4). In a letter dated 17th March 2002, written by the lawyer to the seller's attorney, the DLA officers were responsible for delaying the

process. The letter specifically states, 'In the meeting we had with the Department, it transpired that some individuals within the Department were not doing what they are paid for and consequently delaying the whole deal. We then commit ourselves in ensuring that those individuals carry on their duties as is expected of them. In the meantime, kindly inform your client, the seller to kindly bear with our clients as they await the Department's decision'. It was this intervention which brought relief to Aida that the process was only delayed, and there was no envisaged 'confiscation'.

With this information, Aida made a distinction between government and officials. She mentioned that 'government wanted to give us land', but 'officials delay these processes because they "were not doing their jobs". (Interview 28th May, 2003). She later said:

> *I knew that by going to the lawyers, my reputation with DLA (officials) is going to be ruined, but I was left with no other option. You see my last project went through the same process, and I only got to know later that it was not approved, for reasons I could not understand. I had to make sure that this time that it does not happen again" (Interview, 28th May 2003).*

In defence of her stance to challenge government officials through legal assistance, she stated that "*It is government who is giving us our land back, I heard from the radio. I just knew that it was the people employed by government who were not delivering. I knew that I was protected by law*" (ibid). Aida believed that by using this strategy she would command the respect of the officials as well as to use the law against any 'future exploitations'.

Aida used the law to position herself as a woman and to challenge what she saw as 'unfair' procedures. An interesting reflection from Aida was that her expectations of female officials of the department were not met. Although she was aware that women were encouraged to participate in land reform, she was disappointed that she "*had to use law against women officials to protect herself*." (Interview, 30th June 2003). As she put it, referring to the lawyer;"…I have great respect for that man — Mr. Mazibuko [for protecting my interests].

James (2007:212) refers to the local officials, consultants and local leaders whom the beneficiaries rely on for land delivery as the 'brokers' of land reform. Sometimes the brokers emerge amongst the beneficiaries themselves or the more elite individuals who share similar origins. Often the brokers win the trust of the beneficiaries because of their awareness of the complex bureaucratic procedures and their political connections. While these individuals intervene or act in response of the beneficiaries' needs of landlessness,

more often than not cases of corruption and fraudulent practices 'to feather their own nests', have been reported (ibid). The credibility of these brokers to the beneficiaries is based on the timeous delivery of the projects. Inadvertently, when the delays are experienced, it is these individuals who bare the brunt, with the beneficiaries loosing faith and trust in them. Aida's loss of faith in the provincial DLA officials and the delays experienced in the purchase of the farm are similar to that experienced by the Siyathuthuka Trust of the Doornkop squatters as highlighted by James (2007:214-5). It was only on the 22nd March 2003, a year after the legal intervention, that pDLA officials organised a 'celebratory feast' on Aida's farm in celebration of the approval of the grant. The feast was attended by the Human Rights Commissioner, Mrs McLean. In April 2003, a letter approving the planning grant was received from DLA.

Appendix 6.5 indicates the milestones of activities and the timeframe which led to the approval of the planning grant of the Mathebula Project. This table reflects a uniquely lengthy period of the approval of the planning grant which, according to pDLA officials, was designed to take only six weeks. For this project, it took about 18 months. The provincial DLA officials offered an insight into the delay which had affected the Mathebula Project. Mampho Malgas, the Deputy Director for Enhlanzeni District, who supervised the project officer (Ms. Xhakaza) at the time, was familiar with the challenges faced by pDLA.

She indicated that several factors played a role. "Firstly, this was a testing period for the department to shift from bigger to smaller group projects such as family projects. With the Land Bank appointed as one of the implementing agencies, funds were depleted before the financial year of 2002/3 and no further projects could be approved later that year. In addition, there was no communication between the national and provincial offices of DLA regarding the status of the funding and this caused confusion and further delays with implementing projects. The Mathebula Project was unfortunately a victim of that process. Hence it was only approved in 2003-4 financial year" (Malgas, 27th March 2006).

Unfortunately, the beneficiaries were not informed of these processes between and within the institutions and this therefore caused unnecessary confusion. As the next chapter shows, Aida used different strategies to advance her rights, obviously with external assistance.

There were three fundamental issues from the grant approval phase which emerge as enabling factors. Firstly, Aida used the law to position herself as a woman and to challenge

what she saw as 'unfair' procedures. In this case, the national legal framework and policy in place created safe conditions for this woman to challenge authorities. Secondly, access to information about the policy and understanding its intentions of encouraging women to acquire land was very instrumental in deciding to take risks and challenge the very officials who were meant to assist her. Thirdly, her close proximity to legal resources was instrumental in leveraging her burden, not withstanding the fact that the lawyer was a family friend. In the project file, there were two requests signed by the DLA officials to approve the planning grant by the Provincial Project Approval Committee (PPAC). These were dated the 08th February 2002[2] and 19th March 2002. This coincided with the time Aida was informed of the decline of the project by the PPAC. As reflected in Appendix 6.5 (Table A-8), the second document (dated the 19th March 2002) was approved a day after the lawyer's letter on the 18th March 2002.

The struggles which came with the successful approval of the grant unfortunately left some reservations on the commitment of the officials to advance women's rights. In the first instance, the lawyer stated that the objectives (intention) of the LRAD Policy of 'empowering' women and 'encouraging them to acquire land' was undermined through this project. As Chapter Five revealed, the majority of beneficiaries of this project were women and the leader of this project was a woman — a rare case within land reform projects at the time. Secondly, an interesting reflection from Aida was that her expectations of women officials of the department were not met. According to her, it is women who understand the struggles of women in general and therefore they are supposed to be at the forefront of empowering other women. She was disappointed that she "had to use law against women officials to protect herself." (Interview, 30th June 2003). Instead, men had been instrumental in supporting her at the time. As she put it, '*I have great respect for those men, [Mr. Mazibuko and Mr. Mashele] for protecting my interests!*' The perception that women in bureaucratic positions might 'have little interest in or knowledge of principles of gender equality' has been previously acknowledged (Hassim, 2003: 512). While some women are in these positions for the purposes of career advancement, even feminists in these positions, referred to as 'fermocrats', find it difficult to manoeuvre "between the resistance of male bureaucrats and the expectations of women [and their] organizations outside government" (ibid: 514). Some women officials, however, especially those with the history of gender

[2] As per attached Appendix, Request: PPAC Project Approval for the Mathebula Family Farming Trust

activism, have been reported to challenge and take lead in advancing women's empowerment (Walker, 2003).

Lastly, the lack of constant communication between beneficiaries and the officials with regard to the approval processes was identified as a major factor which contributed to confusion and mistrust of officials. This resulted in Aida adopting various strategies to put pressure on officials, because she was not aware of the 'difficulties experienced within the department' at the time. Mampho Malgas, (27th March 2006). As a result, the relationship between the project officer and the official eroded over time, with no conflict management interventions in place.

6.2.3 The Design of the Business Plan

The business plan is very critical in verifying the feasibility of the commercial operations of the farm and is the basis on which access to credit depends. As mentioned in Chapter One, DLA provides technical assistance to the beneficiaries for the development of such a plan. As expected, the Mathebula beneficiaries were highly dependent on this assistance. But in this study, as will be reflected below, various institutions became involved in this process due to the further lengthy period of the registration of the title deed through DLA.

According to the official documents, on the 6th August 2002, invitation letters for presentation for the selection of a planning agent for the Mathebula Family Trust were instituted by the pDLA. On the 8th August 2002, the MAFA consultancy was selected as a planning agent of this project after 5 planning agents were invited to present to a panel of 5 panellists. The documents reflect that although three of the provincial departments were invited as panellists, only two attended the meeting, with one (representative of Department of Agriculture, Conservation and Environment) arriving late, saying that 'he was only observing.' (see Appendix 6.6, Table A-9). Three planning agents attended and made presentations. The meeting was attended by five beneficiaries of the project. The recommendation of the appointment 'felt that an open process which enhances community participation and government accountability was followed in the selection process'… "in accordance with the policy and procedures of the PROPS Manual" (ibid).

As Table A9 indicates, a series of internal approval processes took place within the department before the final submission of the 27 page business plan in February 2003, six

months after the selection of the MAFA consultancy. Contrary to other documents in the project file, for the first time, the business plan reflected the legal entity as the Mathebula Communal Property Association (CPA) (see Appendix 6.7). This change supposedly emanated from a workshop conducted by MAFA to form a legal entity in which beneficiaries were informed about the different legal entities and their implications. However, the beneficiaries disputed that such a workshop ever happened and claimed that they only saw this in the subsequent registration certificate.

The objectives as stated in the plan were:

(i) Collective acquiring, holding and administering of land and other assets, and running of the project for and on behalf of the family in accordance with the constitution,

(ii) Managing the farm commercially, creating employment in order to alleviate poverty by increasing food security for the members,

(iii) Generate income

(iv) Empowerment through training and capacity building, and

(v) Ensure participation of members in decision making. Some of the strengths identified in the business plan included the infrastructure already in place in the farm, the skills and cohesion among the family members.

Threats identified included lack of control, finance, distance to market, disregard of the constitution and lack of technical skills. However, capacity building was identified as a means to address some of the threats and weaknesses identified (See Appendix 6.6:6). Of importance in this document, was the section on the financial feasibility of the project. The business plan highlighted that 'start-up capital as well as operating capital' would be required to start up the businesses. Of the R740, 000.00 grant approved, R700, 000 .00 would be for land purchase and the balance would be available for the 'development of the farm'. The business plan further estimated the costs for the development of the different activities as: Broiler Unit, about R6, 500, Broiler equipment: R550, Farm bakkie: about R35, 000.00 the piggery unit and fruit tree planting and the remaining R8, 900.00 would be spent as decided by the family. (Appendix 6.6: 21-23).

The business plan made reference to the social goal which stated that it, 'would involve the development of the community be it through education, empowerment of women and youth' (: 24). However, the plan had its own limitations. Firstly, the objectives of the plan (as highlighted above) were silent about ensuring gender equitable access, control and management of resources. The assumption that there was 'solidarity' among members, — that most members (70%) were women — neglected to state the threat that some members could 'disregard the constitution' for their own benefit (Appendix 6.6). Secondly, whilst encouragement of participation in decision making was stated as an objective, how equal participation in decision-making would be encouraged was not mentioned. Lastly, throughout the business plan, the 'members' of the group were treated as a homogenous group and efforts to transform power relations among men and women in the group so as to "efficiently utilise (their) scarce resources" were not dealt with (DLA, 2003a). In this sense, the business plan, as a requirement of the *Communal Property Act* for the registration of a legal entity, has failed to translate the gender equity goal (stated in the policy document) into specific tools to guide the communities in managing their resources. Another gap identified in failing to address gender issues is with regard to the criteria used to appoint consultancies. As reflected in letters of invitations, the criteria used for the evaluation of the proposal did not mention any experience, skills or knowledge of gender equality (see Appendix 6.7). Omission of this requirement by DLA is indicative of the lesser priority given to gender transformation by the department.

6.2.4 The Formation of the Mathebula Legal Entity

According to the DLA's documents in the project file of this project, DLA issued an instruction memorandum to register this project in terms of *Section 8 (3)* of the *Communal Property Association Act (28 of 1996)* (undated)[3]. According to *Section 2.6 and 3.3* of this Memorandum, a service provider (MAFA) was appointed to 'workshop the principles and contents of the Constitution… on several meetings'. Aida however, recalled only one workshop (a gender workshop) which was facilitated by the DLA official which led to the drafting of their Constitution. The principles were outlined in the Mathebula Constitution and were supposedly 'workshopped' by the MAFA consultancy and project members 'in a series of meetings' (Appendix 6.9).

[3] Undated document, REF: ET 6/5/L, contained in the DLA's files of the Mathebula CPA.

It is important to further analyse how members of this project were chosen within the households of the extended family.

6.2.5 The Composition of Members

It is of interest to analyse how the 37 members of this project were selected by Aida. Firstly, the number of members of this Association was determined by the price of the land, similar to other projects. As mentioned earlier, the previous owner's initial asking price was R765 995.00. In order to qualify for a grant of that amount, (R20 000 the minimum grant for each member), Aida identified 43 of her relatives who were in possession of an identity document. The remaining amount was to pay for the agents' commission. However, after the official evaluation and subsequent negotiations (with John's assistance), the cost including the estate agent's commission was R735 000.00. That resulted in five of the members being 'taken off' the list by Aida. The approved grant was R740 000.00 as reflected in the project report.

Secondly, Aida identified her blood relatives from her matriarchal lineage as shown in Appendix 4.4; as a result, most of the members are her siblings, their children and her own children. She did not include their partners (husbands or wives) in the project. Instead, when she fell short of the amount required to qualify for the grant, Aida included her daughter-in-law, four of her sister-in-law's children (no parents) and two of her cousins. Thirdly, it can also be argued that Aida targeted mostly youth and women in her selection so as to take advantage of the LRAD Policy. As detailed in Chapter Four, 48% (18 out of 37) of the members were below the age of 30, 73% of whom (eight men and 19 women) were between 20 and 40 years.

Lastly, it could be argued that Aida identified relatives who would not give her problems in the future as it became evident that there was a general understanding amongst the members that this farm belonged to Aida. In addition, as revealed by Jane and Sydwell … "most of the younger generation had no interest in farming… they only filled in the forms to assist the family to acquire land" (Interview, 18th June, 2005). According to Aida, the farm was used as a back-up in case some of the members became desperate for work in future, and "we could give them preference *batoncedisa la sibapeye* (to come and work and we pay them) as workers" (Interview, 20th August 2004). The constitution which complies with the requirements of the Act was adopted at a meeting arranged for this purpose on the

23rd April 2002 (Appendix 6.10). The Mathebula CPA was subsequently registered on the 24th November 2003, 19 months after the constitution was adopted[4] (Appendix 6.11). Neither the Memorandum of Instruction to register the CPA nor approval of the Constitution as found in the file were dated or signed by the Provincial Director of Mpumalanga as required.

From this project, it could be argued that the formulation of the Mathebula CPA was manipulated by an individual to acquire a farm which she could not have afforded were it not for the leeway provided for by the *CPA Act*. However, the members were all aware of this at the time of signing the application form; hence they did not take an active role in the implementation processes of the project. Whilst other commentators (especially Government officials) could see this as negative in terms of distribution of benefits and in quantitative forms, this could also be beneficial in terms of accessing and ownership of land by black families and/or individuals. Secondly, the control of resources by one individual has also been beneficial to this project as it reduced the areas of conflict amongst project members. The community conflicts among several beneficiaries throughout the country have been identified as serious threat to project sustainability (TRAC-MP, 2005). A wider literature on the viability of the CPA's as an efficient legal entity and its relevance in advancing women empowerment offers divergent opinions. This issue will be further explored in Chapter Seven.

6.3 Transferring Land of the Mathebula Project

The offer to purchase the land was initiated on the 28th August 2001 when the application was submitted to DLA (Appendix 6.12). In this document, Aida is reflected as the trustee of the Mathebula Farming Trust and she signed the offer. The communication between the seller and DLA started in July 2002, when the seller gave the Department an ultimatum to complete the deal by July. Failure to do so would ensure that she re-list the property, according to a follow-up letter from the lawyers dated 8th August. Appendix 6.5 (Table A-10) traces the correspondence between the department and the sales agents from this date until the final transfer of land in November 2004.

[4] As per attached Appendix: Registration certificate, Registration No. CPA/03/0618/A

Almost a week after the adoption of the Constitution in April 2003, the DLA documents revealed that an official from an NGO, TRAC-MP, (Hanneke Gibberd) wrote to Mampho Malgas on the 17th April to request that the identification of the project be included as a 6th project in the Mpumalanga Management and Mentorship Pilot Programme (MMMPP) project as replacement for another project (See Appendix 6.13). The response was the nomination of the Mathebula Project, whose 'land was not yet transferred', but whose guarantee for transfer had been issued (ibid).
The following section introduces the mentoring program and the role played by TRAC-MP to facilitate registration of the CPA and land transfer.

6.3.1 The Mentorship Program through TRAC-MP

The Rural Action Committee based in Nelspruit in the Mpumalanga Province is a land rights non-governmental organisation (NGO), and serves the whole of Mpumalanga Province. Since 1982, this NGO (referred to as TRAC-MP), affiliated to NLC, mobilised and worked closely with rural people in the province so as to secure their land rights as a means of sustaining their livelihood strategies. By 2000/2001, TRAC-MP had secured funding from DANIDA (a Danish non-governmental organisation) to develop a resource file to promote sustainable land-use livelihoods and gender equity in the planning of land reform projects, as part of its gender mainstreaming program. The development of the resource was a participatory process with other stakeholders in the region. Chapters Four and Five focus mainly on the different approaches/frameworks and tools for integrating gender and environment into land reform processes respectively. By implication, TRAC-MP as an organisation had pioneered a three-year process of gender mainstreaming with assumptions that its officials in other programs had been trained to use these tools.

Through this experience, TRAC-MP, like other land rights NGOs and Government agencies in the land reform sector, have learnt that there are 'a variety of internal and external factors that have resulted in poor project design, low levels of production, conflict and in some cases, programme failure' in land reform projects (TRAC-MP, undated report). The NGO then sourced funding to design a strategic intervention programme to address these symptoms. The Mpumalanga Management and Mentorship Pilot Project (MMMPP) was then initiated to assist land reform beneficiaries "to improve their quality of life by

making better use of their own resources and available support services" (TRAC-MP, undated). The program was funded by the Deutsche Welthungerhilfe/German Agro Action (DWHH/GAA).

This programme focused its activities on the crucial post-settlement support of the beneficiaries, and its key pillars were management and mentorship support, organisational development and governance, and skills development and capacity building. The approach of the programme aimed at providing support for a period of time on a sliding scale, so as to break the cycle of external dependency that emerges in the development sector (TRAC-MP, undated: 11). The idea of the programme was that much of the investment and training be done at the beginning of the first year, so that after three years, the project would be contributing 100% of its costs once the mentorship ended. At the time, this innovative exit strategy had never been applied to the land sector in South Africa.

As a pilot, the programme identified six diverse land redistribution projects within the province. The projects were a mixture of old (SLAG) and new South African redistribution programmes (LRAD). The projects' size ranged from 8.8 to 5, 852 ha, with 37 to 411 project members. The oldest project transferred to the beneficiaries was 10 years ago in 1995, through the old redistribution programme. The Mathebula CPA project was the smallest (37 members with 8.8 ha) and the only one whose land had not yet been transferred. Officially, the programme started in January 2003 and as stated above, it was selected in April to replace a project which had been aborted. Officials appointed under this program were employed as 'mentors'.

TRAC-MP started to work with the project by mid-2003 and had planned to finish by 2005, as per the terms of the program. Since the 'programme was initiated to develop an understanding of the critical factors affecting the sustainability of land reform projects in their post-transfer phases', there was not a lot of work done on this project by December 2003 (MMMPP progress report, 2004:5). The DLA had promised TRAC-MP 'that April [2004] was a likely month for effecting transfer' (MMMPP progress report, December 2003).

6.3.2 Accessing Loan through Land Bank

By the end of March 2004, Mr Diedrick Mogoru was assigned as the mentor of the Mathebula Project. Whilst awaiting land transfer, in the meantime he assisted the project to develop a business plan which was to form the basis of a funding proposal to be submitted to Land Bank, and thus allow the establishment of operations to commence. The reasons offered by Mr. Mogoru for developing another business plan for this project was that a lot of time had passed since the development of the earlier one, with changes in prices increasing dramatically. The Bank would not accept an outdated version.

In April 2004, the beneficiaries completed application forms with the Land Bank and paid an application fee of R195.50. For anonymity and the purposes of this study, the Land Bank officials will be referred to as Miss C and Mr L. All the Committee members signed the form. After a week, the officials came to evaluate the farm. Unfortunately, because the bond was registered as part of the loan, beneficiaries 'had to wait for the title deed from DLA' said Aida with frustration (Interview, 23rd July 2005).

The land had not been transferred by the end of June 2004. TRAC-MP contacted both DLA and the seller's attorney to follow up the process. At the time, the seller's attorney had been promised by pDLA that land transfer would "occur within a number of weeks" (MMMPP, June 2004). As a result, there were high hopes within the institution that by the following quarter the land transfer would be finalised.

During this process, there were two business plans prepared by TRAC-MP. The earlier version requesting a loan of R200, 000 was submitted to Land Bank in 2004, and a year later, in March 2005, an amount of R110, 000 was approved. There was a problem with the submission of the business plan to Land Bank. The original plan had applied for R200, 000 from the Bank, including a car worth R50, 000. In TRAC-MP's report, the impression was created that the loan would be approved by September 2004. The Land Bank had approved (though not yet processed) a term loan of R200, 000 and a seasonal loan of R60, 000. This was for the "establishment of a broiler unit (initially proposed 800 birds per fortnight) and the expansion of the current cultivation area (to about 2, 5 hectares)" (MMMPP progress report, September 2004). However, the following quarter was not as promising for the Mathebula project as was originally envisaged. TRAC-MP reported that, 'contrary to the

previous reports, the Land Bank neither approved nor processed the loan application'. Commercial operations thus remained on hold.

The project members were told only in June that the business plan (prepared by Deidreck, the mentor) had been rejected by Land Bank. In July 2005, Emile De Kock, the program coordinator prepared another business plan for a medium-term loan of R110, 000 which excluded the car and reduced the number of chicks from 800 to 500. Accounting for the decline of the earlier business plan, Emile de Kock stated; "[Land Bank] had a mix up. We originally consulted with the agricultural economist at the bank. At the time, it was agreed on an amount of R260, 000. Later it was decided that a vehicle would not be purchased, thus reducing the amount to R200, 000. This was tentatively approved (though not in writing). Then the assessor got hold of the application and decided R70k is all the risk he was willing to take" (e-mail, 21st October 2005). After some negotiations, 'a compromise' was reached. A business plan of R110, 000 was then accepted by Land Bank.

By August 2004, the new business plan requesting R110, 000 was submitted to the Bank. On the 15th of August, Land Bank officials visited the farm again. The Committee signed grant papers. Land Bank introduced them to Mr. Mthombothi of Grain SA at Mkholo building in Nelspruit. The company was to assist with the project's marketing. However, the members were required to pay R250 to join the Association in order for them to benefit as members. At the time they did not have money; I loaned it to them in order to assist the process. By March 2005, the loan was approved and the Committee members had to sign an affidavit with the Magistrate in White River and had to submit quotations for the materials and equipment they required to start the project. On the 18th May 2005, the money from Land Bank was available, but it was discovered that three of the members were not financially credible — 'blacklisted'. In addition, at the time Herry was not in a position to sign because of his deteriorating health condition. Herry subsequently died on the 22nd May 2005 and the process was delayed further.

After the funeral, the Committee members went back to Land Bank to complete forms with their cousin Ruth, replacing Herry as a Vice-Chairperson of the Committee. The resolution with the Bank was then signed. However, the bank needed R3, 468 for the registration of the bond and the Committee agreed that this amount be deducted from the loan. The balance of the loan was then to be R106, 550. As Aida pointed out, "since then, we were kept waiting and I was not told by Land Bank how long the process will take". (Interview,

25th June 2005). By the end of June 2005, the Land Bank had not delivered, and TRAC-MP was frustrated with Land Bank's process and involved the press.

An article which was published in the Sunday Times on the 17th July 2005 (See Appendix 6.15), stated that 'the Mathebula Community Property Association in Mpumalanga applied for a R110 000 loan from the Land Bank in April last year (2004) — the same month that Pamodzi received its funding. Approval for funding came 11 months later, in March this year [2005] — and the community has still not received a cent'. The Land Bank was accused of providing R800 million to Pamodzi Investment Holdings, a company in which top ANC officials have a stake, "to buy the 49% of Foodcorp, one of Africa's food firms, and one whose core business is not agriculture" (Sunday Times, July 2005).

The Land Bank officials were not impressed with Aida after the press publication. The following day [Monday], Aida received a telephone call from the Bank officials and was scolded by the then Director. She was then asked to bring the Committee the following day Tuesday (20th June, 2005), to the bank's Nelspruit offices. The Committee signed all the paper work that day. Aida recalled the day's encounter with Land Bank officials with a smile on her face, 'there was no resolution requested this time, and we were asked to sign with the attorney as well'. She mentioned that before they signed papers:

> *The Bank Manager, Mr. M., called us in an office and questioned me why we allowed the paper to interview me. Told them I spoke the truth and facts regarding my application and how I felt about the process. He told me that I should not speak to the press again. If they come I must send them to Land Bank. He also threatened me that if I don't pay back the loan, nabo bazondipapasha! (They will also publish me)… That day, Land Bank even released a car for us (the Committee) to go to the Magistrate and we were dropped closer to the farm after that* (Interview, 14th August 2005).

After this the project members were informed that they had to wait for 15 days in order for the bond registration to be processed. On the 9th August, Land Bank requested that they bring new quotations and sign for the release of money. On the 16th August, Aida went to collect her material from the different shops, which Land Bank had paid on her behalf.

The Land Bank bureaucratic approval processes were also a limiting factor in the delivery of this project. Whilst it is acknowledged that the financial credibility of project members had delayed the release of money which was available in May 2005, the onus still remained with the Bank to have checked this problem before they processed the loan. It is evident from this process that constant communication with the beneficiaries involved in the process is very crucial. Had the waiting period been communicated to beneficiaries by June

2005, when they signed the resolution, the Bank would have avoided the embarrassment that they suffered due to the press release. It is acknowledged that major delays in 2004 were due to the unavailability of the Title Deed. However, the Land Bank had also contributed in further delays during 2005. For example, the Title Deed was sent directly to them by December 2004; the approval process did not warrant further delays. Appendix 6.5 (Table A- 11) outlines the interaction with the Land Bank in accessing the loan.

In summary, whilst the role of TRAC-MP in the province had been perceived as 'notorious' by some Government officials, it has gained a positive perception among some beneficiaries in the province through its reputation of fighting for their rights, especially among the farm workers. Aida's perception about TRAC-MP's role in the delivery of her project is indicative of this. From her perspective, she believes that if it was not for TRAC-MP's intervention, the land would have taken even longer than three years (Interview, 15th June 2005). TRAC-MP had followed up the system with a variety of individuals involved in the approval: " ... with the Agricultural Economist, Head of Sales, Credit Committee Advisor, Branch Director, and Sales Clerk" (e-mail, 10th July 2005). The additional role played by TRAC as part of the mentorship program is discussed in Chapter Eight, as benefits accrued from these processes.

The relationships among officials of DLA and TRAC-MP were often sparked by contestations and disagreements on the interpretations of the law and what route to take for settlement of the landless. James (2007: 42) reported fierce debates she witnessed among the officials from these two sectors during a workshop in November 2003. This was a simulation game of resolving an eviction case of a long resident tenant whose family members do not provide labour to the new owner of the farm. The divergent positions were apparently around the financial and moral obligation of the farmer and how best to use the government resources. While James reported a workshop scenario, these debates which sometimes result in personal conflict situations were regular occurrences during my tenure with TRAC-MP. There were also cases when the two sectors would work in close collaboration. This can be attributed to many factors, including the fact that the current NGO's Director, a former DLA employee, has consistently challenged DLA by organising communities to protest against Government processes. In general, the overall role of most NGOs, especially those in the land sector, is seen as more of a 'watch dog' of Government than playing a supportive role. The role of civil society in post-apartheid South Africa in

advancing women's interests, warrants some discussion so as to assess its capability of transforming societal practices and norms and its influence on government processes.

6.4 Challenges of Implementing LRAD

The process of application was shortened and designed to be user-friendly. The LRAD procedures which are the basis for the implementation and management of the projects are highlighted in Chapter Six. Since the inception of the programme, critics have raised concerns not only about the design of this programme, but also about its practical implications. Cross and Hornby (2002: 68) in particular, noted that immediately after the launch of the LRAD programme, some of the implementers voiced enthusiasm and 'a sense of turn around' in relation to LRAD and its procedures, and expressed confidence after the period of discouragement and slowdown experienced during the moratorium. However, there were those who were already pessimistic as they felt that the DLA would never 'overcome the unresponsiveness and demoralisation' which contributed to the "expansion of private sector land reform as an active alternative to government delivery" (ibid).

Some of the barriers that excluded women's participation seem to be the result of a lack of information and inaccessibility to land sector NGOs who offer support to fight for their rights. Evidence from Cross and Hornby's (2002) investigation indicated that those women who are currently benefiting from the programme are regular farm workers under progressive farmers, whilst non-farm workers and those living in the former homelands are often excluded. In addition, information flow in the former homeland areas or other non-farming areas was not adequate (Cross and Hornby, 2002: 73). For instance, Wegerif (2004: 42) conducted research in Limpopo province and found out that beneficiaries of the LRAD's program were either politically, community or religiously connected to the government officials responsible for information dissemination. Further, Cross and Hornby (2000) pointed out that LRAD's project management in the provinces might differ in approach because of the flexibility afforded by the policy.

The extent of the involvement of the Land Bank and private consultants acting as service providers could have a detrimental effect on women's participation in the programme. Due to illiteracy and lack of financial skills of poor rural women, it would take lengthy processes for women to gain confidence in managing funds efficiently. The capacity building processes associated with empowering them could be time consuming and require

patience on the part of the service providers. Both the Land Bank and the service providers might not have that developmental approach as their interest is purely that of profit making. Further, the confusing role of the Land Bank, as well as the connection of the programme with the Department of Agriculture, seems to affect the access of the rural poor to the LRAD programme (ibid). As at the inception of the programme, there were no clear guidelines or communication on the specific roles of the different implementing agencies. Their roles remained uncoordinated between and within the institutions. The scenario was confusing among the targeted beneficiaries.

According to Mann (2000:6), 'women's exclusion from independent access to, and control over land, has also contributed to their political disempowerment at community level'. She asserts that married men have the 'highest status' in the community, and tend to make 'all the decisions about general welfare through their participation in public meetings and local decision making structures'. LRAD Policy does not indicate how these barriers at community level could be addressed, in order to include women in decision-making structures, and also in transforming patriarchal attitudes at this level. If this scenario holds true, this puts poor rural women in a more disadvantaged position in terms of accessing LRAD grants, as they are systematically excluded from the programme. Government officials have confirmed that these scenarios do happen and unfortunately "can only encourage communities to include women in structures, but other than that there is absolutely nothing we can do" (Sam Nkosi, Mampho Malgas, Interview, April 2006).

6.5 General Failures of the Land Reform Projects

The implementation of this specific project raises issues which have been identified by other researchers and commentators about the failures of land reform projects in South Africa and development projects in general. The focus here is specifically on external factors, which are as a result of macro policies as adopted by South African government in advancing women's rights. In this case external factors are those outside the control of the project itself. Of particular importance is the fact that these factors have been identified as a hindrance in securing access to land, especially for rural women. As a result, the DLA has been accused of a general lack of commitment towards gender equity.

As discussed in Chapter One, the land redistribution program was designed to offer grants to deserving beneficiaries. The increase of the amounts of the grants was a principal factor

in the determining the shift from SLAG to LRAD. However, the revised amount was still inadequate to acquire land relative to the market-driven determination of land prices.

6.5.1 Institutional Barriers

This study also revealed and/or confirmed earlier comments about the non-cooperation between land sector institutions, especially the DLA and DoA in the province. The lack of capacity within these institutions filtered through the implementation of the projects and continues to be cause for concern in the land reform sector (Emile de Kock, April 2006). According to the MMMPP report (December 2004), the institutional problems of 'the protracted delays with releasing the CPA certificate [by DLA], registering the land transfer[by DLA], making the title deed available [by DLA] and processing the loan application [by the Land Bank]' are all characteristic of land reform projects. It thus becomes clear that ... "planning and coordinating also become superfluous concepts in the face of such uncertainty" '(ibid).

It is clear from this account that the process of implementation and the role played by the pDoA in land delivery remains known only to officials, and is not communicated to beneficiaries. This leaves beneficiaries in the dark as to how to take the process forward when in doubt. In this case, Aida resorted to contacting lawyers for intervention.

After 1994, many of the financial institutions in South Africa were involved in transformation in order to remove the constraints of accessing finance by poor rural communities. As a result of the Strauss Commission investigation in 1996, these institutions, including the Land Bank, undertook several changes in their operation (Jacobs et.al, 2004:22). Changes pertaining to Land Bank in particular included the establishment of a new legislation, a new corporate identity and availability of loans targeted to "financial needs of the previously disadvantaged farming communities" (Land Bank, 1999). In 2001, when the LRAD program was to be rolled out, the Land Bank was a strategic partner of DLA to administer some of the LRAD projects in provinces. However, there was miscommunication between the National Department of Land Affairs and the Land Bank on how was this to be carried out, and this resulted in delays in some of the projects, such as the Mathebula CPA in Mpumalanga.

Mampho Malgas (Interview, 27 March 2006) gave an account of what actually happened. She said, "The Land Bank made an agreement with DLA to administer an amount of R50 million for the LRAD program. The terms of reference were that all projects with loan entry would be administered through the Land Bank and those without would be administered through DLA and DoA. This amount was distributed between the nine provinces. However, in 2002 this amount was depleted before the financial reporting period. There was some miscommunication between the DLA and the national office of the Land Bank. As a result of this, the Land Bank had approved far more projects ('about 5 times more') than was expected before the reporting time, and there were no funds available for other projects in 2002. In the following year, DLA did not allocate any funds to the Land Bank because they wanted accountability from the Land Bank. Unfortunately, some of the projects whose grants were approved in 2002 had to wait until 2004-5 financial year for allocation' Unfortunately the Mathebula project was one of those affected. An oversight from the DLA was that they did not inform the beneficiaries of this problem.

Furthermore, the Bank's approach to the valuation of the land is perceived as 'conservative' by other commentators (Jacobs et al, 2004:22). They assert that the Bank is rather "interested in a price a property can command in the market place" by distinguishing between the market value and production value of the land (ibid). By taking the lesser of the two, the bank then determines the loan to the client which is usually limited to 80% of the production value of land (ibid).

The responsibility of the pDoA in the LRAD program is primarily to provide post-transfer support to beneficiaries (DLA, 2001). This implies that the policy is generally delegating the pre-transfer support to pDLA. In general, this distinction had been the source of the lack of integration between the two Government departments in delivering distribution projects. For instance; in Ermelo, Mpumalanga Province, pDoA Government officials claimed not to have seen the approved projects even after the land had been transferred to beneficiaries[5]. This caused a delay in the Department's support to beneficiaries immediately after land transfer. However, in some provinces, such as KwaZulu-Natal and Western Cape, it is reported that provincial Department of Agriculture got involved in verifying business plans and valuations and also sat on District Screening Committees and District Assessment Committees (Jacobs, et.al. 2003:18).

[5] Research done for CASE with Mabhongwane Farmers Project: File ET6/5/SH 12855L

In 2004, following a fiscal review of the Agricultural sector conducted in 2003 by DoA, a strategy was devised to support farmers within the agricultural budget (CASP, 2003/2005[6]). Subsequently, a post-support program referred to as the Comprehensive Agricultural Support Programme (CASP), was established "to make provision for agricultural support to targeted beneficiaries of the land reform programme" (CASP, 2004:9). This program was devised primarily to empower farmers to manage their businesses effectively and profitably' by providing training and capacity building, technical and advisory assistance, finance, marketing and business development, information and on-and-off farm infrastructure. While the provincial Department of Agriculture fulfilled this role at the time of writing this thesis, CASP will not be discussed here as it is beyond the scope of this study. It is merely mentioned here to illustrate pDLA's role in land reform.

In Mpumalanga, the cooperation between the two departments was questionable and sometimes confusing for the beneficiaries at the time of pDLA's involvement with the project. This relationship is perceived to be 'non-existent' by some, especially before the suspension of the HOD (Emile de Kock, 26th April 2006). He further claimed that:

> *The department is a confused bloody mess. There are only 2 people to deal with problems on the ground. It is impossible to sort these in the long term….They don't have strategic direction and the task they set themselves for is impossible.*

In addition, the sometimes conflicting messages sent by officials to stakeholders were evident in this case (as reported below).

By 2006, whilst there had been some improvement in setting up these structures for project design and approval, and the pDoA had participated in them, officials reported some frustrations in securing such meetings (Malgas, 27th March 2006). She pointed out that: …' there are four Committees the project officer has to sit on for a project to be approved: the PSC for project screening, PPAC, for project registration, PTC for tender process and Grant Committee for approval… most of the time it is difficult to find these people because we don't have control over them as they come from other government departments and agencies'. Nonetheless, pDLA remained visible in these processes in the province.

The problems of decentralisation and the lack of coordination amongst implementing institutions is a widely-known phenomenon in development projects. Ferguson (1990)

[6] CASP Progress report

documented a detailed account of the implementation of the Thaba Tseka project in Lesotho. Similar to the revised business plans of the project under study, the Thaba Tseka project underwent a series of planning processes from 1978 to 1982, changing objectives and organisational charters (ibid: 213-23). What this project illustrated was the 'contradiction' in the role that development agencies are supposed to play. In addition, weak coordination between other line departments sometimes resulted in resettlement taking place without supporting services and infrastructure. Lack of after care and confusion amongst beneficiaries after the land was handed over contributed to some of the projects falling apart. Evidence of this phenomenon is rife, with labour tenant projects settled in farms without post settlement support

An example of a project which had similar problems was the Snyakaza project near Piet Retief in Mpumalanga Province which I evaluated as part of a national research study. This project consisted of about 85 labour tenants in 20 households. They were allocated a mere 1 356 hectares of land, with one family owning about 100 cattle. Because of the poor coordination between the provincial Department of Land Affairs and Department of Agriculture, the members had not received any post-settlement support in terms of grants and services from any government department or agency since 2002 after settlement. As a result, there was no infrastructural development on the farm nor any farming equipment or tools to facilitate economic production on the farm. By the time of the research, they were growing maize for subsistence only. At the time, there was conflict among the individual households as a result of differing interests for land use. Some households wanted to use the land for grazing purposes whilst others were interested in subsistence farming. This scenario posed a threat to the sustainability of the project.

6.5.2 Overly Bureaucratic Approval Processes

The LRAD policy clearly puts the responsibility of grant approval to the Provincial Director in consultation with the Provincial Grant Committee (PGC) representative of the provincial departments of Agriculture, Land Affairs, Public Works, Housing and Local Government (DLA, 2001). With regards to the implementation of LRAD, the primary responsibility of the implementation process resides with the applicants (together with a service provider, if the beneficiaries so wish). The local Department of Agriculture (DoA) and Department of Land Affairs (DLA) officials are supposed to provide technical assistance, including training. Also, they "coordinate policy issues and interdepartmental

activities, monitor flow of funds to the provincial level, monitor and evaluate the outcomes of the land reform programme, including random ex post financial and physical audits of approved projects" (DLA 2001:12). Provincial Executive Councils, consisting of the key stakeholders in the province are accountable for LRAD and play a monitoring role.

According to the LRAD policy, applicants are expected to be proactive and to approach the DLA offices for assistance. They need to identify an area of land on their own or with the assistance of the provincial DLA. They also need to fulfil several steps before the approval of the grant. Firstly, a project or business proposal should be completed. Applicants have to negotiate a purchase offer with the current owner(s), either with the assistance of a service provider, or on their own. They should approach the provincial DoA officer for his/her opinion on the feasibility of the plan. Subsequent to that, they need to submit all the required documents, including the list of beneficiaries, to the provincial DLA for submission to the local grant committee, the Provincial Project Approval Committee, for final approval. In summary, LRAD was designed to have shorter and more locally-driven project cycle than the earlier approach, and the decentralised focus allows for approval to be granted to candidates at provincial level, instead of requiring central approval by the National Minister. Wegerif (2004:21) noted that the PGC may approve, reject or refer the application back to the beneficiaries. Reasons highlighted by officials include; unsuitable land for the intended use, overpriced land, or applicant(s) had received prior grant (ibid).

According to DLA officials, the whole process should at least take a minimum of six months, with the approval of the planning grant taking only about six weeks. (Mampho Malgas Interview, 27th March 2006). Mampho Malgas, a Director in pDLA of Mpumalanga Province, indicated that there are series of processes within the Department that have the potential to delay processes, namely, the convening of four committees (for screening of viable, project registration, tender processing and approving grants), appointment of conveyances and coordination with the Deeds Office located at the National office in Pretoria.

It is for this reason that the programme was widely criticised for being slow and overly bureaucratic, with a very long and complex project cycle that held up delivery and put unsustainable procedural burdens on the beneficiary groups (Cross and Hornby, 2002). The difficulties experienced were largely due to the national office retaining central control over

implementation in the provinces. This was despite the 'shortened and user-friendly' approval processes outlined in the LRAD policy documents.

From the above analysis, it is clear that even after 11 years of implementing the land redistribution programme, there is 'confusion and controversy' about which approach to apply to land reform in South Africa, yet there is 'consensus on the need to address the issue of land distribution with a renewed sense of urgency (Van der Brink et.al, 2006: 47). This case study supports similar limitations identified in other cases in South Africa.

Several researchers have highlighted existing gaps between principle and practice in the implementation of DLA's Gender Policy in South Africa. Walker (2003:140 -1) studied women's involvement in Mahlabathini, Ntabeni and Gorge in KwaZulu Natal province. She identified the 'technicist rather than transformatory approach to land reform, the inflexible project cycle, lack of capacity in NGO sector and government departments, the speedy processes of establishing legal entities and the demand driven programme are inhibiting factors .

6.6 Failures in Gender Empowerment

6.6.1 The Challenges Associated With 'Targeting' Women

Like its predecessor, LRAD was received with mixed feelings, especially by gender activists and some researchers. Some had arguably noticed its total 'overlooking' of women as a target group during its early stages (Walker, 2005). However, with intervention from NGOs, the final version of LRAD as mentioned earlier, targeted 30% transfer of land. These debates were also embroiled with the controversy of individual rights versus collective rights for women, as discussed in the previous chapter. Whilst others regarded the shift from targeting households to individuals as a gain, others argued against it (Cross, 1999; Walker, 2001; Cross and Hornby, 2002; Walker, 2005:303). The former argued that individual rights for women opened opportunities for women to secure independent rights from men and their families. In contrast, Cross (1999: 25) questioned whether this autonomy over land would alleviate poverty or contribute to the deterioration of family units in rural areas. Her argument was based on the fact that "in a poverty economy with rising unemployment, autonomy is needed if it helps brings poverty relief, but this outcome is questionable if greater entrepreneurial and other autonomy contributes to alienation and

conflict between men and women" (ibid). She claims that if this prevails, it will rather "increase poor women's institutional risk long before it solves their support problems". Her views are supported by Moetsabi (1998:27) who recommends interventions which "ideally help men and women, rather than those that target women alone in potentially adversarial situations" (Cross 1999:26).

Other problems associated with targeting women were due to the difficulties experienced in translating policy into practice. Whilst the land reform policy documents stated clear statements of intent 'to create an enabling environment for women to access, own, control, use and manage land', the practice on the ground proved to be more difficult than expected (DLA 1997:2-3). The contestation experienced during the processes of developing the *Communal Land Rights Act* in South Africa was widely reported as evidence of existing challenges (Walker, 2005, Claassens 2005). Another example is the extensive research done in the development of Muslim Personal Law in South Africa. Through an analysis of different litigation cases in the courts of law, Ndashe highlighted how the judges reached conclusions in cases involving women (Ndashe, 2003). Whilst in these cases some victories for women were reported, evidently different challenges and 'unanswered questions' remained unresolved. For instance, in a case where Mrs Amod claimed compensation from the motor vehicle accident fund after the death of her Muslim husband in a motor car accident. Whilst the court judge was 'willing to accept' the Muslim marriage and afforded the spouse legal protection, the court 'refused to deal with the validity of a Muslim marriage' which purported polygamous partnership. The court rather granted the claimant compensation not on whether the marriage to the deceased was valid or not, but on the basis that the deceased 'was under legal duty to support the dependant'. These cases are evidence of the limitations of the law in protecting women's rights, despite the high level gender equity commitments adopted in the democratic South Africa.

Since 1997, policy shifts in targeting women involved inclusion of female headed households on project beneficiary list and the appointment of women to community land reform projects to encouraging 'women only projects' and individual rights since 2001. Some commentators argued that the development of the LRAD Policy — in particular- provided more gains for women (Cross and Hornby 2002). However, others argued that, "certain application criteria would limit or even deny women access as the criteria only caters for those who acquire land for agricultural purposes, and provides subsidies only to

those who can make contribution either by cash or labour" (Festus ,2001:6). This position ignores the fact that women are already inundated with household chores, taking care of the children and the elderly. The policy therefore failed to "provide a holistic integrated sustainable livelihood approach with clear gender strategy, which seeks to empower women and increase their authority and status" (ibid). With this view, the policy hinders women from gaining control over productive land, and subsequently from sustaining livelihoods.

A serious shortfall in this 'targeting' is that poor rural women are treated as a homogenous group. An analysis of which poor rural women should be targeted by these programs is lacking. The woman leader in this study for instance, is a middle aged divorcee, with 5 children and 4 grandchildren and has experience in managing a farm and business. Although she has primary education, Aida has a very strong personality and is very vocal. In addition, she has a real interest in managing a farm and viewed it not only as securing her tenure rights but also as a commercial benefit. Although her main aim of engaging in commercial operation is about feeding and educating her children, she is also ambitious that this project will make her, a 'Farmer of the Year' in future. In that way, this is an opportunity to advance herself as an individual. These criteria have enabled her to fight for her rights and challenge authorities.

Evidence from other projects reveal that a significant number of women who are involved in Project Committees are 'rather shy and don't want to speak out in meetings', in particular in front of their in-laws (Mampho Malgas, Xoliswa Nyathi, interviews). In these cases, officials don't know how to engage them any further as they 'don't want to compromise them' (Mampho Malgas Interview). On the other hand Wegerif (2004:21) pointed out the fact that while the policy clearly has set targets for women to access land, there were no monitoring mechanisms in place to measure this outcome. Instead, as the DLA officials in Limpopo acknowledged that, 'women who do participate in the programme are treated the same like men and become land owners in their own names'. Since there are no specific programmes in place to involve women, the officials simply 'encourage them to apply' and divide men and women in meeting to afford women the opportunity to talk without the presence of men (ibid). The Mathebula project was implemented under the similar auspices without any evidence of special treatment by the DLA officials; the driver of the project was a woman.

Walker's (2003:127) perception is that it is not about targeting women which is a problem, but rather "the problem lies in not making the gender appeals to gender transformation more specific, nor thinking through when and in what way policy interventions should target women and when they should not, nor recognizing the limited impact of single project interventions on multi-faceted social relationships". In this way, the gender approach used within the Gender Policy does not provide clear guidelines.

6.6.2 Access to Information

Some of the barriers that exclude women's participation seem to be the result of a lack of information and inaccessibility to land sector NGOs who offer support to fight for their rights. Evidence from Cross and Hornby's (2002) investigation indicated that those women who are currently benefiting from the programme are regular farm workers under progressive farmers, whilst non-farm workers and those living in the former homelands are often excluded. In addition, information flow in the former homeland areas or other non-farming areas was not adequate (Cross and Hornby, 2002: 73). Unless women have access to information regarding not only new policies but also about processes and procedures, only they can benefit from these programmes. As this study has shown, Aida learnt about the program from John and because of her close proximity to town, she was able to approach provincial departments for additional information. For rural women further from towns, lack of access to available information could pose a problem.

Cross and Hornby (2000) mentioned that LRAD's project management in the provinces might differ in approach because of its flexibility. The extent of the involvement of the Land Bank and private consultants acting as service providers could have a detrimental effect to women's participation in the programme. In addition, as this study has revealed, the confusing role of the Land Bank, as well as the connection of the programme with the Department of Agriculture, seems to affect the access of the rural poor to the LRAD programme (ibid). Occasional communication with the beneficiaries by officials is crucial in any client relationship. Within both DLA and the Land Bank, this area had been lacking.

6.6.3 Land Reform Delivery versus Gender Equity Accountability

With regards to delivery, LRAD has been the flagship of DLA since its inception. DLA officials claim that their significant high performance in the delivery of hectares in later years has been brought about through the LRAD programme (DLA, 2005a, b). This is attributed to the decentralised provincial approval system. Jacobs et. al, (2003:7) reported that within almost a year, (by June 2002), about 125 000 hectares had been transferred through this programme. By December 2002, about 267, 000 hectares had been redistributed through 504 projects by both Land Bank and Land reform offices throughout the country (ibid). Of these, 44, 000 were transferred in Mpumalanga Province alone through 74 projects, making the province the second best performing, with Eastern Cape taking the lead. According to DLA (2005: 24), by 2005 the programme had delivered a total of just over 436 00 hectares through 1, 153 projects to 23, 000 beneficiaries. The municipal commonage programme contributed to more than a third of total hectares delivered (about 519, 000 ha). While the programme (like all land reform programmes), is still viewed as 'budget constrained', it is reported to have made some gains and to have benefited the poor, with "women and youth actively participating in the programme" (May 2003, DLA 2005b, Van der Brink et.al, 2006). Their analysis is based on the number of grants approved, which reveal that most people who benefited from LRAD between 2001 and 2003 (about 7, 000 beneficiaries) contributed the minimum own equity of R5000 - R10 000.

Whilst the pace of delivery of the LRAD programme is commendable, taking into account the relatively smaller numbers of beneficiaries per project and less ha. per project compared to SLAG, it must be noted that the accounting of DLA in terms of the quality of projects and its impact on livelihoods is questionable. Evidence from the ground has revealed that the projects delivered through LRAD are no different from those delivered through other land reform programmes. This study in particular, together with the LRAD pilot projects chosen by TRAC-MP through the MMMP Programme between 2003 and 2005, reflect a number of problems, flaws and limitations in the implementation processes of LRAD projects, which have wider policy implications as will be discussed in Chapter Seven.

While DLA seems to be optimistic about hectorage delivery and meeting its target by 2015, it is not known how many of these projects will have survived the test of time by then, as some of them are on the verge of liquidation and in dire stress. If the current status remains, without any strategies to revive old projects and actively support future LRAD projects

with a sense of urgency, the perceived 'high performance' by DLA could leave the beneficiaries more distressed than they were before.

Attempts to monitor whether gender equity was being achieved became a qualitative exercise, with a number of women involved in the project and women-headed households being counted. The only effort made by DLA officials was to encourage women to be part of the decision-making committees with no powers to engage women in active participation in those committees. Cross and Hornby (2002:56) argued that 'these were no more than random counts of rural women as members of groups, some of which became land reform beneficiaries'…which were even inconsistent 'with other estimates of the female rural population'. The limitation of this monitoring was that there was no indication of whether the poor rural women benefited from the land reform program and whether these women were successfully targeted within their communities.

6.6.4 DLA implementing Gender Policy in Mpumalanga

The institutional weaknesses of implementing Gender Policy within DLA have been highlighted by Walker (2003, 2005). Her experiences in KwaZulu Natal province are similar to those identified through this study in Mpumalanga province. A principal planner with 7 years experience within DLA mentioned that although the Gender Forum was launched in 2004, there is no significant impact on the ground. Firstly, the Gender Unit is still centralised, operating from the national office with one person with gender focal points appointed in provinces. She pointed out, "Gender focal points are at lower levels, do not sit in on management meetings, thus cannot influence decisions at management level" (X. Nyathi, April 2006). Instead, "officials who actively profile gender issues in their projects did so largely from their own initiative" (Walker 2005:305). For instance, Walker reported of a planner working at The Gorge in KwaZulu-Natal who initiated projects aimed at educating women and youth about HIV/AIDS outside working hours (ibid)

Another weakness is the lack of accountability on gender within the institution. The interviews conducted reflect that whilst planners are trained on gender indicators and tools to use in the project, 'during management meetings there are no items which address gender issues' (X. Nyathi, April 2006). This discourages planners to make this a priority as they are not required to report on these matters. In fact, training on gender, focuses only on the

gender focal points and other staff members and managers are not involved. This makes it impossible for managers to guide planners on gender sensitive methodologies in project planning and take accountability for meeting gender equity goals (ibid). Walker (2005:304) further argues that this is due the fact that there is little accountability for the Gender Policy at provincial and national level with "general measures of success largely driven by political imperatives" (ibid). Neither the minister nor National DLA management are compelled to report on the Gender policy implementation. Some officials believe that as long as the Gender Unit at National level remains a sub-Directorate of another division, the gender equity accountability will remain marginalized in the department (X. Nyathi, interview). Nyathi argues that elevating the unit to a Directorate level, and increasing the capacity of personnel to assist with supporting provinces could increase accountability at national, provincial and ground level.

6.6.5 Absence of Strong Women's Movement

The post-apartheid era was also marked by a change in commitment towards transforming social and economic power of women. As discussed in Chapter One, attempts to institutionalise gender equality by government were evident in the Bill of Rights, Constitution, number of women elected in Parliament, specific institutions created to advance and monitor gender mainstreaming within government and the civil society as detailed in Appendix (3.1). These deliberations were welcomed with great optimism by gender activists and amongst civil society, that the state was committed to drive gender transformation (Hassim 2003). However, the movement of several prominent rural women leaders to parliament after 1994 did not prove to be efficient in representing rural women's interests. Hassim (2003: 510) stated that electing gender activists into political positions 'demobilized' the large-scale movement of women leaders. As a result, the 'new terrains of (women) engagement' proved to be more difficult than anticipated.

The difficulties experienced included lack of power of the new institutions, lack of coordination between civil society and women ministers, resistance within government departments, budgetary constraints allocated to these institutions, and others. Using the Child Maintenance Grant as a case, Hassim examined the internal constraints of 'bureaucratic culture' within the national machinery in advancing women's rights and interests (ibid: 514). Through this case, Hassim argues that 'a sustainable and autonomous

feminist lobby in civil society' is needed if formal institutions are to effectively deal with [gender] transformation (ibid: 507). She argues that it is unlikely that the formal structures can advance women's interests and challenge the state polices from within. Thus a 'feminist voice' outside the state has a legitimate role to play.

6.6 Conclusion

This chapter has dealt with the extent to which the provincial institutions contributed towards supporting the implementation of the Mathebula project. It is important to acknowledge that the success provided by the national policy on land reform in affording an opportunity for rural women, like Aida, to access land. At least on paper, and through the efforts of diligent officials and other intermediaries who are the 'brokers' of land reform, several researchers have reported the gains accrued by even women in the LRAD program (Wergerif, 2004; Walker, 2005; James, 2007), etc). While the policy has facilitated an enabling environment, the delays in implementation due to several reasons as highlighted in this chapter have let the beneficiaries down. Women beneficiaries in particular would need specific attention if the target set in policy documents is to materialise.

With regard to implementation, certain hard lessons have been learnt through this project. The findings of this study highlight several flaws in project implementation which supports Van der Brink's et.al (2006) observations. Amongst others, as revealed through the implementation of this project, "flexibility in design does not always result in flexibility in practice" (ibid: 39). Beneficiaries do not have much say in project design. For instance, in this case study, the consultant, who was another government employee, was 'appointed' by DLA. The delays in the registration of the CPA within the Department was the main contributing factor in delaying the process of submission of the plan to Land Bank, as Land Bank could not process applications without confirmation of ownership of property. This had not only put the members under a lot of personal strain, but had also eroded the relationship with government officials, if not all Provincial Departments (DLA and DoA).

As reflected above, the design of this project was facilitated mainly by two institutions - the pDLA and TRAC-MP. It is important to note that although the DoA was expected to play a major role in giving technical advice on the business plan, it played a minimal role in this project. Overall, this process of application, which was supposed to be led by DLA, was

delayed with various interventions by the project members, the NGO and lawyers. The exact timeframe for processing this project was four years, three-and-a-half years more than the stipulated maximum timeframe for LRAD applications. There was no evidence from the informants that the delays were as a result of any prejudice against the applicant as a woman. Indications from some government officials were that this could be attributed to the fact that Aida solicited legal intervention, which have resulted in the 'bad blood' with the project officer coupled with the Land Bank's role in the project as discussed above.

The intervention of TRAC-MP (an NGO) as a catalyst in these processes was undeniably crucial. At the same time, Aida's strong will, commitment and patience was the only determining factor in the successful implementation of the project. It should be noted that whilst the processes outlined above have taken almost four years to implement, it is believed that such a lengthy process is unique to this project. The irony is that it took so long to implement this project despite Aida's farm management and business experience. Several cases of land reform projects have been documented which reflect similar experiences and problems identified above (Meer, 1997; Walker, 2003; Claassens, 2007)

The external factors identified in this case study are not specific to this project. These are highlighted above as being general to the implementation and management of development projects in South Africa and elsewhere. A specific focus of these is the general failures of realising gender empowerment. The chapter argues that whilst there have been some gains reported (to be discussed in Chapter Eight), without critical issues addressed within DLA, gender equity goals as specified in the policy imperatives will not be realised. These include prioritising gender goals within DLA, stipulating specific gender monitoring tools in project plans (including business plans), uncoordinated function of the land transfer between government departments, and bureaucratic processes of approval. In a sense, the programme is perceived to have had little impact on the rural poor, in particular on rural women, who need redistributive land, but is rather very lenient towards white farmers who are not always willing to sell (Weideman, 2005).

While these external factors can be addressed through policy reviews and adjustment of procedures, the internal factors which are complex in nature are not considered in policy formulations. These are discussed in the next chapter.

CHAPTER SEVEN

INTERNAL FACTORS: POWER AND CONTROL

7.1 Introduction

This chapter will elaborate on the internal processes of gender empowerment as discussed in Chapter Two. This will be illustrated through observations and reflections of how the power dynamics within the Mathebula project came into play. Whilst the DLA has assessed the impact of its land redistribution program by looking at policies, broad processes and the numerical targets for representation, the case study approach has shown that without investigating the processes which occur within these projects, the real impact of land reform on the beneficiaries' lives is far from being realised. This chapter in particular traces what gender empowerment processes were employed by the different institutions and how these manifested themselves within the running of this project.

Critical to the effective implementation of any land reform project is the formation of a legal entity, such as the Communal Property Association (CPA) or a Trust, as an institution at local level through which the Government processes are channelled. As discussed in Chapter Six, the members of this project were 'coerced' by officials (without members' consent) to form a CPA. Chapter Six discussed the general failures characterised as external factors of gender empowerment. This chapter focuses on processes within the project by assessing whether the Mathebula CPA was effective in facilitating fair and equal distribution of resources within the project and its overall impact on gender empowerment. Specifically, the chapter will look at how the CPA as a legal entity at a local level enabled the beneficiaries to control, use and redistribute resources equally amongst themselves. This section will answer the questions; 'Is the Communal Property Association (CPA) a viable entity to run a commercial business?' 'Did the law (as laid out in the *Communal Property Act*) or customary practices (within the household) prevail in managing the processes? The analysis will basically be comparing the Constitution which was adopted in April 2002 with the practice on the ground. Basically, the issues of power, governance, decision-making and access to livelihood creation within the project will be the focus points. These have been discussed in the context of how rural women can be change agents within their own

communities (in this case, family), in order to secure their tenure rights. The chapter concludes by highlighting the strategies used by the leader of the project in overcoming the barriers of implementation which led to the successful transfer of land.

7.2 The Land Reform Project as a 'Community'

The problems associated with defining the term 'community' within the South African context have been previously documented by Kepe, 1998. Over the years, social scientists and developing agencies have attached different meanings to this term with some adopting a simple view of defining it as either "a spatial unit, an economic unit or as a unit of social relations" (Kepe, 1998:3). As a spatial unit, the term often refers to the geographical location of people and tends to ignore any common ties or social relations those people have. For instance, the development programmes have particularly used this notion of community in their planning processes. In South Africa for instance, rural community projects have often been designed in relation to Tribal Authority boundaries ignoring the fact that there are smaller subgroups within those societies. Conflicts among these communities had emerged as result of Tribal Authorities who imposed themselves as land owners on behalf of the larger community, or sometimes due to the fact that these boundaries are redrawn based on political imperatives. South Africa's recent restructuring of provinces and subsequent local demarcation after 1994 bears testimony to this.

As an economic unit, the term often applies to people who share common interests and resources for livelihood purposes without necessarily residing in one locality. The old land reform projects in South Africa particularly promoted this notion of community. Together with establishment of the land reform programmes, the *Communal Property Associations Act, No. 28 of 1996*[7]*, ('the CPA Act')* was passed to enable "disadvantaged communities … to establish appropriate legal institutions through which they may acquire, hold and manage property in common". The Act defined 'community' as 'a group of persons who wish to have their rights to a particular property determined by shared rules under a written constitution and wish to form a Communal Property Association (CPA)'. The main objective was to ensure that the institutions are democratically managed, is non-

[7] http://www.caledonia.org.uk/land/cpact.htm

discriminatory and held accountable to its members. It also ensures that members are protected from the abuse of power by other members.

Sometimes the term 'community' could be applicable to people who share particular "history, knowledge, beliefs, morals and customs [with ties of] kinship and marriage" (ibid: 5). These people do not necessarily share common interest or resources nor reside in the same locality. The land claimants of the land reform program often fall in this category. Kepe's work in Mkambathi area on the Wild Coast in the former Transkei region of South Africa reflected on how this conflict could jeopardise the successful implementation of an economic development project.

These three notions of 'communities' can apply within a specific society and become the source of conflict amongst people based on how the term is viewed by either internal or external as well as groups or individuals. Kepe argues that precise definition of the term and its implications by both locals and policy implementers is very crucial in determining the land reform beneficiaries so as to avoid further confusion, blurring and emergence of new 'communities' as an attempt to redefine themselves as land reform beneficiaries. Unfortunately within the South African land reform programme the terms have been used interchangeably between the programmes. For instance, one can argue that generally, the restitution programme defined the community according to 'social relations', the land tenure programme used the 'spatial' definition informed the identification of beneficiaries, whilst the redistribution programme reconciled the spatial/social relations together with the economic definition. Unfortunately, the Act does not make a distinction between these different notions of community and has set out general rules which are applicable the Association as a legal entity.

Chapter Three discussed the policy shift from the old redistribution programme to the new LRAD programme. Amongst others, one of the major elements identified with the LRAD Policy was the focus on small groups of beneficiaries such as women's groups and family groups, rather than the larger groups which characterised the SLAG programme. As discussed under Section 3.5, according to the LRAD Policy, members who qualify for the Grant are any adults from the previously disadvantaged group (Africans, Coloureds and Indians) with a particular focus on women, youth and disabled groups. The group can comprise of individuals from a community or a family to form a 'community' project. According to the LRAD Policy the Mathebula community (family) has both 'economic'

and the 'social relations' components. Chapter Four in particular, highlighted the profile of the project members and their kinship.

The constitution of the membership has been entirely informed by the *CPA Act*. As a result, the Mathebula Constitution specifies that its CPA has perpetual succession regardless of changes in its membership, and that membership may only be terminated upon death, through a general meeting, or by the Director-General's issue of termination certificate. According to *Section 8* of the aforesaid Constitution, members of the Association are considered as individuals and have been registered accordingly. However, applications for membership by individuals other than those listed can be made to the Committee for consideration during a general meeting (DLA, undated). The assumption purported both by the Act and the fact that this is a family group, is that there is common understanding and interest that exist among the different actors within the project.

Section 9 of this Constitution further sets out entitlements and responsibilities of members as stipulated in the *CPA Act* (See Appendix 7.2). In addition, 'the Association and members have a legally binding agreement pursuant to the terms of the Constitution as set out in its *Section 22*. In the event of any disputes, any member is entitled to refer to the Committee for settlement; once there is agreement, the 'final and binding' decision on all members is reflected 'in writing' (*Section 23 of the Constitution*). Whilst the *CPA Act* encompassed rules and regulations aimed at governing the project beneficiaries, this project has discovered that there were other social players who were influential in the running of the project; albeit, not acknowledged in official documents (the Act, policies or in the project documents). These are discussed under the decision making section.

7.3 The Effectiveness of the Communal Property Association (CPA)

The *CPA Act* devolves the control of a property to the Communal Property Association as a local level institution. Important things to note about the Act are firstly that a CPA may only be formed with the prior approval of the Minister of Land Affairs, except in cases where the Land Claims Court directs or an agreement with the State stipulates that a CPA be formed. It is also clear that a CPA is in essence a voluntary association established and registered in terms of the *CPA Act* for the purposes of holding property in common on behalf of a community. Secondly, CPAs are appropriate where that land (property) is not intended to be sub-divided to individual community members for their exclusive

ownership. Thirdly, the Act regards "property" to include "movable and immovable property and any right or interest in and to movable or immovable property or any part thereof. From this definition, it seems that the Act would apply in cases where the community intends to establish a CPA for the purposes of managing and using not only land or other immovable property, but also movable property such as machinery, vehicles, equipment, etc. However, there are few (if any) such cases which have been reported within the land sector. Fourthly, the CPAs are taxed on a fixed scale in terms of *Section 1 of the Income Tax Act* on the basis that it is a company, but may qualify for a tax exemption if the core business falls within the ambit of *Section 21 of the Companies Act* (i.e. non-profit). Lastly, the CPAs may be dissolved in a General Meeting by a two-thirds majority of all members and a majority vote to appoint a liquidator. Although all communal assets and funds (after payment of debts and obligations of the Association) will be transferred or given to a similar institution or Association with similar objectives, all assets which have been isolated for the exclusive use by a member will given to that member with full un-restricted ownership.

The implications of any Association established under this Act include, amongst others, that the Association be established as a juristic person, with the capacity to sue and be sued. Although the Constitution may be changed by a decision of the majority of members, it cannot be amended 'until it has been approved by the Director-General in writing and lodged with the Registration Officer'. From this synopsis, it can be argued that there are some advantages afforded to the communities through this Act. These include the Director General's assistance in the preparation of a draft Constitution (*Section 6*) and the appointment of a conciliator to help mediate disputes within a CPA (Section 10). However, the process is complex and time-consuming. This "outweighs the fact that it is a free service since the delays can often be more costly," as is evident from this case study (deKock, 2005)[8]. The approval from the Minister of Land Affairs, securing attendance of representatives of the Director-General (DG) at relevant meetings, and the detailed requirements of the *CPA Act* are some of the hindrances to an easy, efficient voluntary establishment of the Associations. Although the Act provides for the intervention of the Director–General or appointee in unresolved disputes among community members and in monitoring and inspection, it is however widely reported that the DG never enforces the

[8] E-mail correspondence, Emile deKock, coordinator TRAC-MP, 10th November 2005)

Act or its requirements. Appendix 7.1 (Table A.12) compares the CPA with a similar legal entity, the Trust in order to highlight the differences.

In South Africa, the capacity of the Act 'to hold and manage land.' has been questioned since 1999 (Hall and William, 2003)[9]. Some practitioners however, believe that 'the Act is a good and relevant piece of legislation', but it is not widely understood by the service providers (who are responsible for drafting Constitutions) or in financial circles, that is, how it should be treated with respects to audits, statutory obligations, limited ability, and others (Emile de Kock, e-mail, 10th November 2005). De Kock believes that 'the argument that the Act is not a good vehicle for conducting business is a little shallow and limiting. The constitution can make provision for any conceivable decision making processes with definitions and limitations to powers where appropriate'. He argues that service providers never take these issues into account when drafting constitutions, and thus legislation could not be blamed for flawed or limiting constitutions. In addition to the general problems experienced by these Associations, active participation of women in these groups have proved problematic, remain insurmountable and are not as 'technical' and easy to resolve.

7.4 Women's Participation in the Mathebula CPA

According to Cross and Hornby (2002), "using women's representation on committees is not an indicator of gender equity" because women's participation in the projects has been proven to be highly problematic. This is because many women 'find it difficult to challenge the existing power relations within the committees and their communities' (Cross and Hornby 2002:56). This scenario is worse in rural provinces like Mpumalanga, where cultural practices are highly entrenched. Similar accounts from DLA officials for instance, indicate that the only thing that officials can do is to encourage projects to involve women, but they cannot enforce that to happen as it sometimes divides communities. Perceptions from these officials include, "women are shy…there are cultural barriers…women prefer to be secretaries… they don't talk" (Nkosi, Nyathi, Malgas, Interviews, April 2006).

Isben (2000:277) reported similar perceptions from communities working with Centre for Rural Legal Studies and Surplus Peoples Project in the Western Cape. She found that "patriarchal structures [were] still dominant…because of the economically low status of

[9] Land Reform in SA: Problems and Prospects

women" (ibid). Women have found it difficult to be involved in decision making processes despite the prescription by DLA of women representatives in these structures. DLA officials in the province have also confirmed that as much as they encourage communities to involve women in decision making, they cannot force the groups to involve women (Malgas, Nkosi April 2006) for several reasons:

- Firstly, the officials do not want to cause problems for women within their communities when they are no longer there.

- Secondly, DLA's focus is on 'project delivery' and they would therefore like to implement projects as smoothly as possible rather than cause 'havoc' in communities.

- Thirdly, they have experienced resistance from men and reluctance from women in some communities.

- Lastly, it does take time to change peoples' attitudes and officials have limited time to spend on each project. It is in this view that participation of women is differentiated below between the representation in the leadership structure and participation in decision making and in meetings.

7.4.1 Representation in Leadership Structure

Cases in which representation of women in the leadership structure have advanced women's rights with considerable support have been previously reported (Walker, 2002). According to the *CPA Act*, an Interim Committee has to be appointed until the first Annual General Meeting is held. This takes place a year after registration of the Association, during which a Committee is elected. The portfolios (Chairperson, his (her) Deputy, Treasurer, Secretary and two additional members) of the legal structure are prescribed in the Act. The terms of office are for a period of two years, after which members are replaced through elections every three years. The Committee may co-opt only one member during their term, and is required to hold a General Meeting to elect additional members should the need arise. The detailed powers of the Committee and those of the members, in relation to decisions made by the Committee, are clearly outlined in the Constitution guidelines. Two thirds of the Committee members may remove any one or more Committee members

through a set procedure. Committee members are allowed to pay for all reasonable expenses made on behalf of the Association themselves.

The original Mathebula leadership structure was established during the drafting of the Constitution in 2002 as tabled in Table 4.5 in Chapter Four. However, after TRAC-MP started to work with the project in 2003, five additional members (four women and one man) were incorporated into the structure, although the Act prescribed only two additional members. TRAC-MP officials pointed out that they wanted more participation in the Committee as some of the members were unemployed and were thus mobile in search for job opportunities. Aida also confirmed that it was easier to have additional members for accessibility in case some were not available for official purposes. In official documents, signatures of at least five Committee members are normally required. In the new structure, Jane and Eunice's roles were deputised and 'swapped'. In addition, there was no Treasurer's position on the Committee included on this list, only that of Deputy Treasurer, as reflected in Appendix 7.2 (Table A-13). Furthermore, the demographics of the structure had changed where seven women now constituted part of the Committee — three having been assigned portfolios.

In April 2005, when Land Bank wanted to approve the loan, they discovered that three of these members were black-listed (not credit worthy). As it were, Herry subsequently died; he had been too ill to sign the Bank documents. The Committee had to change. Notice that although the Act requires nomination by majority vote for the new members (after every two years), there was no such meeting or resolution taken for this change. As Aida rightfully pointed out, a day after she was 'threatened' by the Bank, two days after the newspaper publication accusing the Bank of delaying her loan payment, "there was no resolution requested this time, and I was asked to select new members to replace the blacklisted ones, we were then asked to sign papers with the attorney" (Interview, 14th August 2005). The new Committee members were selected solely by Aida as reflected in Appendix 7.3 (Table A-14). Richard, the only man appointed on the Committee was working in Mozambique with John, Aida's previous employer. It is not known whether he will return to work on the farm in future. By 2006, he was still in Mozambique and paid occasional visits to his aunt when in South Africa. Herry's position of Vice-Chairperson had been removed and none was identified as his 'replacement'. This reduced the number of Committee members to nine, with Aida as the only person to chair meetings.

The most important addition was the appointment of Ruth Mbowane to the position of Treasurer. This position was non-existent in the previous Committee of 2004. The *CPA Act* clearly specifies that appointment to positions in the Committee should be through elections, although co-option of only one member is permitted. According to Aida, Ruth was appointed because she is trustworthy and reliable. According to *Section 8(7) of the CPA Act*, Ruth's appointment implies that she will "stand in a fiduciary relationship to the members of the Association". Also interesting to note is that Aida's son Senzo was no longer on the Committee. He has been replaced as Secretary by his wife, who was previously an additional member. Aida, Eunice and Jane still retained their positions.

7.4.2 How Were Decisions Made?

Section 9 of the CPA Act (1996) stipulates that the Constitution of a CPA must be consistent with the following general principles: fair and inclusive decision-making processes, equality of membership, democratic processes and fair access to the property of the CPA, accountability and transparency. The detailed powers of the Committee and the members in relation to decision making are clearly outlined in the Constitution guidelines. However, for this project, since the submission of the application to DLA in 2001, the roles and positions of the Committee members have in reality blurred and are almost non-existent except for the role of Chairperson.

Since 2001, the role of the Committee as a collective in this project was non-existent. In particular, the positions' roles seemed to be blurred and confused within the three years of the CPA's existence, with no correlation between the skills and positions held by different members. Instead, members were chosen based on the proximity of where they lived and their availability. In addition, the Committee membership seemed to be fluid as time went on. For instance, as reflected above, the composition of the executive members seemed to be influenced by TRAC-MP's interventions, which accounts for the additional members and the swapping of roles.

Except for the roles taken by Eunice and Ruth, all the positions were occupied by Aida's children. With Jane as the future Farm Manager, Sydwell, an Accounting Officer, Zandile (Aida's daughter-in-law) the Secretary, and Aida, the Chairperson, it is clear that the project is basically managed by Aida's nuclear family. Sydwell, who was a non-member, has since been identified to be trained on a full-time basis by TRAC-MP for nine months (with full

pay) through the MMMP program. His future role in the project is envisaged to manage the finances of the project. As he pointed out; "as a farm administrator, my responsibility is to see to it that we don't overload ourselves with overdraft, and we have to finish the loan with Land Bank in time". (Interview, 23 April 2005). This scenario leaves the rest of the extended family with minimal 'say' in the running of the project. Aida, as the only person on the Committee with experience in farm management, and the only elder on the Committee, has the ultimate say in how decisions are made and how benefits are distributed. This has been evident even at the initial stages of the project, as outlined in Chapters Four and Six.

Throughout the project, as Chairperson, Aida made decisions without consulting the other members. Firstly, Aida was instrumental in deciding on the membership and leadership of the group, based on her experience with individuals' character and their responsibility within the family. For instance Themba, one of her nephews (Herry's son) who stayed with her for some time, was not included in the project because of his irresponsible behaviour, "*Uyathanda ukuba emashopini, maar akalosela"*" He likes stealing from shops, but he is not a thief]. Secondly, Aida is the only person who kept records of administrative and financial information in her house. For instance, after discovering how she kept her papers and documents, I suggested and subsequently bought files for the safe keeping and neat organisation of the information she had collected. There was no indication that other members had problems with her keeping the information.

7.4.3 Participation in Meetings

Sections 13 to 19 of the Mathebula Constitution guide the members on Governance issues, including the appointment of Committee members, the powers and functions of the Committee, and guidance on how to run Committee and General meetings. In addition, all members are entitled to become Committee members to be appointed during an Annual General Meeting, according to stipulated appointment procedures. Relevant to this study, the Constitution specifies that Committee Meetings can only be held by "a quorum of not less than half of the committee members serving at any given time" (*Section 16. to 16.9*).

During the four years of the Association's existence, the interim Committee members remained unchanged, and were undemocratically elected, despite the two year terms of office and general elections prescribed in the Act. It is not likely that a General Meeting

will be held in the near future, since most of the members (about 32) are in essence 'inactive'; moreover, two of the active members have since died. As previously mentioned, for the past four years no General Meetings were held. Although no formal Committee meetings were held since the project started, it is important to report on the few meetings which did take place during the study period.

Meetings of the Committee were called either by DLA, TRAC-MP or Land Bank for administrative purposes or to fill forms for the application process. During these meetings, the official minutes remained the property of the institutions concerned and no records were kept by the project members. Aida invited four Committee members, including herself to make a quorum for these meetings. The same applied when she wanted to choose members for a training opportunity; she invited whoever was available at a particular time. Meetings were normally held during the day (between 9h00 and 13h00), a time obviously determined by the officials. This sometimes had a negative effect on the availability of members. Those who managed to attend were usually not working at the time. Sometimes it would be difficult to form a quorum, but meetings would still continue.

During these formal meetings, most members were passive. For example, an evaluation meeting held by TRAC-MP on the 4th of June 2004 was attended by four members. These were Maria, Zandile, Herry and Aida. Aida was the only person who answered questions, evidence of her active involvement in the process. The others only carried out instructions as per requirements e.g. making crosses on a flip chart to show their perceptions about how the project is run. The meetings were run in SiSwati in which the TRAC-MP Coordinator was extremely fluent. After the meeting, when the TRAC-MP officials had left, the discussion amongst members was vibrant. From this meeting, I was left with the impression that information is not distributed even among the Committee members and that active participation in these processes is centred on one person, Aida, whom in any case had knowledge of the process.

One of the reasons that inhibit women's equal access to resources and the rights in land is the power of customary and social practices that are prevalent in rural areas. For example, whilst working with TRAC-MP in 2002, a gender mainstreaming workshop was conducted with the Shiyalongubo Community in Mpumalanga, in an attempt to encourage community members to involve women in decision-making processes that affect their rural

livelihood[10]. Responses from both men and women were typical of the conception of gender relations in rural communities. Some men were adamant that whilst they recognise the role which women played within the household, the status quo should remain, as they are the 'heads' of the families whose role has been 'chosen' by God and by 'culture'. Women on the other hand, were happy to maintain their current positions in society as they could not see themselves arguing with their spouses, elders and fathers-in-law in public. It thus became difficult for an outsider to argue against these men and women's strongly held views in such an instance. Govender-van Wyk (1999:66) also reported on a study conducted in Northern Province with two projects (Makuleke and Mashashane). Although women were actively involved in electing the executives, planning and decision on land use, 'they were excluded from decision making on production and identification of land , as these were still seen as male preserve'. However, there are cases in which women, such as Aida, occupy leadership roles. The active participation of women in meetings and with outside stakeholders does not only come with understanding of processes, but critical elements of self-confidence within an individual are essential, evident with Aida.

7.5 Self-Confidence, Self-Awareness and Self-Assertiveness

The different perspectives on the position that women hold in society has been discussed in Chapter Two. Some authors have disputed the fact that women historically had subordinate position to men in society. They argue that before the colonial period women had stronger rights, especially property and land rights. In South Africa for instance, some authors argue that the 'rural women's' land rights were undermined by racial laws and practices (Claassens, 2005:6).

Claassens highlighted several cases in which these women's rights were distorted over time. For example, in 1968, Jack Simons described how each individual within a family was legally recognised as having claims and obligations in relation to property. In different ethnic groups of South Africa (*Tswanas and Zulus),* there are recorded accounts where wives are involved in decision making within a household. In addition, women had "strong economic positions" due to their contribution "in the joint enterprise farming and

[10] These workshops were conducted with the Community as this project was one pilot project of the DANIDA funded program on developing a resource file for mainstreaming gender into land reform processes

subsistence" (ibid: 7). Records have revealed that amongst the Xhosa group, women were allocated land in their own right by men and chiefs.

However, due to introduction of discriminatory laws, policies and procedures in South Africa and increasing shortages and pressures on land, women's land rights diminished as men became recognised as the sole owners of property. Discriminatory laws used against women included the Black Land Areas regulations and the South African Development Trust betterment regulations. Over time, due to these discriminatory practices, the position of women in society was perceived as 'subordinate' with women seen as 'shy or 'timid'.

Due to this historical account, the land reform program is seen to be correcting this 'distortion' of women's rights which came as a result of discriminatory laws; hence, the vociferous campaigns to recognise women's individual rights in land allocation. However, the laws and the respective policies have been contested by several gender activists, researchers and institutions who advocate for women's rights; they claim these laws are perpetuating the same 'old order', especially in how they are formulated. An example of the problematic nature of formulation of such laws has been extensively documented by Claassens (2003) in relation to the *Communal Land Rights Act*. In essence, the formulation of the new laws is seen as entrenching the same 'old order' instead of protecting women's rights.

It is important to look at how women who have secured land assert themselves. In this context, it is clear that there are opportunities for protecting women's rights. It is also critical that women who manage to secure land should become the change agents themselves without depending entirely on the respective laws. Several accounts of women who have gained from the land reform program in South Africa have been reported by a variety of researchers (Hornby, 2002; Walker, 2003, 2005; Claassens, 2003). While over a longer term they achieve their goals, women use different strategies to resist the oppression of the powerful groups. Scott refers to these as "weapons of the weak" (Scott, 1998). In her struggle to secure tenure rights, Aida used some of these strategies. Aida's association with the NGO — and mainly with the role that NGO's played in the South African context — has taught her different tactics to use to persuade people. For instance, when she went to the suppliers she used a 'sit in' strategy. She mentioned during an informal conversation that, *I simply asked for a chair and told the clerk that I am not leaving this office until my material is delivered today!* She further threatened to sleep there and called the NGO (Emile) in

front of the clerk, to bring her blankets as she was prepared to sleep in the absence of any cooperation from the company. Later that day a truck was organised and she and her materials were delivered to the farm.

In her dealings with DLA, she once used a rather drastic tactic. She said in an interview:

> *This day, I simply took off my clothes, cried and showed the officers in the office how empty my stomach is, that if my project would be approved, I would not be bothering them because I would plant my own food for my children. Ngangicasukile (I was angry), Mvusy* (Interview, 31st May 2004).

As controversial as this might sound, Aida immediately received attention, and has been receiving immediate attention since, particularly from DLA officials who are afraid she will remove her clothing again. It was not the first time this 'naked protest' has been used by women in particular in Mpumalanga Province. A group of 28 rural women made international headlines when they staged a naked protest in November 1999. They marched naked along the main road of Schoemansdal in Mpumalanga to protest against losing their land to cattle farmers. "We are crossing our fingers that the cattle farmers will not disturb us in October when we begin sowing our crops. I pray we don't have to go naked again," said Solomon Mabuza, one of the crop growers. Mabuza said the crop growers were fed up with the empty promises of government officials and NGOs who had promised in the past year to help them sort out who owned the land. The 28 women spent a week in jail after their naked protest. They were charged with public indecency and staging a march without permission. The community bailed them out, at R500 each; the case was later thrown out of court. (Mail and Guardian, 28th August 2000). In traditional African cultures elderly women (especially those married), normally wear long dresses with long sleeves and head gears. This is regarded as a sign to differentiate young women from the elderly. As such, women in these societies are expected to conduct themselves with dignity and respect, acting as role models and mothers of the nation. Stripping naked in public is regarded as a sign of disrespect and serious rebellion against traditional values and is frowned upon by authorities and the public in general.

The 'illegal' occupation of the farm by the beneficiaries of this project can also be associated with the 'sit–in' strategy. The above actions are indications that Aida is not one of those timid, shy and submissive persons often associated with rural women. She is not threatened by the difficult situations she finds herself in, and is able to think on her feet in order to put pressure on the right people, especially when she believes her rights have been

violated. She is able to do this on her own without any support, and proudly walks away without regret.

The four years of securing land did not only reveal the bureaucratic processes within the DLA, but also have revealed how Aida was able to use her 'power within' to challenge officials to claim her rights (Oxaal and Baden (1997: 1). The accounts in Chapter Six have shown how Aida persistently visited the DLA offices to check on progress. How did Aida become the change agent in her own community (family)? Firstly Aida's life history indicates that her struggles started at an early age as a school-going child. She worked on a farm to supplement her parent's income before she was married. As an adult, she fled abuse from her husband and searched for jobs to look after her five children.

The experience she gained through her struggles in life prepared her for the experiences she was to go through during this project implementation. Whilst securing land was her ultimate goal, the processes she went through for 4 years are indicative of the strength that she possessed as a rural woman. As discussed in Chapter Six, Aida carried out the responsibility of securing land through DLA for 2 years by herself until the NGO's intervention. Obviously, one of her advantages was the fact that she had prior knowledge of managing a farm coupled with business skills. Although she was clear that she wanted to secure land for herself, she targeted her family members to achieve her ambitions. In that sense, it was not only her nucleus family that was intended to benefit from the project, but her entire maternal extended family. The membership was selectively chosen for reasons explained in Chapter Four so as to minimise conflict within the project.

Although sometimes she became despondent, due to her losing patience with the system and the eroding relationship with the project officer, she did not quit. When she failed to reach the officer on the phone, she would go into the office without an appointment, a stance the project officer detested. When she did not have money she walked to town. As one of the TRAC-MP officials, Emile pointed out: "she would not take no or sorry for an answer, and despite the personal strain, forced indifferent employees of various institution to do their job, if only to be rid of the problem" (e-mail 10th July 2005). '*Kokota*' ('knock on the door'), without appointment' was the key strategy Aida used with all institutions since the beginning of the project. Although this strategy is encouraged by the LRAD program, in this case, it was not entirely successful. As discussed in the previous chapter, the policy states that beneficiaries are expected to come to the offices to apply for an LRAD grant, and

are also expected to take full responsibility during the application process (DLA 2001: 3). Aida rose to that expectation because she was aware that she… "had to stand up for herself" if she was serious about the farm (Interview, 4th June 2004). Aida believes that this strategy does help because, "*they work with so many other projects (clients), and sometimes they forget you…if you are not on their doorstep more often, your project will suffer"* (Interview, 15th August 2005).

There were many times when Aida could not afford a taxi because she did not have money, and she walked 20 km to town just to follow up on the process. Although she believed in talking to officials directly, the strategy did not always work. One day she pointed out, "*Namuhla ngigibele i-taxi ngaya edolobheni, ngoba ngithole imali yerente itolo.* [I took a taxi today, because I have received money for the rent of the house yesterday]... from the taxi rank, I went to the Department's offices, took a lift to the 3rd floor [DLA provincial office]. When I got there, I was told that the project officer is at the university in KwaZulu Natal [another province]; there was no one to assist me. She was to come back next month.

> *Nga funa uM…ngoba ngiyazi ukuthsi yisupervisor yakhe, sakhuluma e-ofisini lakhe,wangitshela ukuthsi kunama-problems, uyafuna ukundisiza, maar kufanele siyisolve le problem ma iproject officer ibuyile.* [I looked for her supervisor, Miss M., she sat down with me in her office and told me what has been the problem so far and she asked me to come back when the officer is back next month, so that we can solve this problem] (Interview, 7th June 2004).

Sometimes, she would be turned back by the very official she meant to see because she had not made an appointment by telephone. Although this caused much strain, she persisted throughout despite, sometimes, negative outcomes and emotional stress. Ultimately, her perseverance resulted in positive results. In justifying her actions, she said with confidence, *'kungcono ngati ukuthsi kwenzekalani, kunokuthsi ngihlale ngilinde engingakwati'* [at least I would know what is happening, than to sit and wait] (Interview on her life story, 15th June 2004). Although Aida had both the office number and the officers' mobile number, Aida would claim that the calls are either not picked up by the officer or that is was too costly to discuss these issues over the phone; she preferred to 'knock' instead.

Aida also used this tactic in her dealings with the Land Bank and pDoA officials, as well as with the suppliers. For instance, after her loan was approved by Land Bank and there was confirmation that the money had been deposited into the supplier's account on a Friday, Aida would wait until Monday. On Tuesday, she would go to the offices of the supplier to

persuade them to deliver her material. Depending on her mood and the level of frustration, Aida would cry, shout or consult, and then report to other officials, including supervisors.

Aida's confidence has certainly had positive spin-offs with external stakeholders as well. For instance, after the MMMP mentor, Deidreck, resigned from TRAC-MP, he continued to assist and support Aida from his personal capacity. For instance, at one time, he bought seeds for Aida to plant. Further, TRAC-MP's confidence in Aida was also reflected in their quarterly reports. The other report mentioned that, " … given the previous experience and recent training of the active members of the Mathebula CPA, we have every confidence in the prospects of success". (MMMPP, September 2004). A year later, the report stated that; ' …The project is very much abuzz in these early stages and quite inspiring to visit...with or without the additional support requested. Although the productive work of this project is beyond the scope of this study, it is important to note that by the end of 2006, Aida had managed to produce about 200 chickens per week and was managing to pay Land Bank's monthly instalments of R1, 700 towards her loan.

Aida has the sole power to call General Meetings as she is the only Chairperson. Aida has clearly articulated that she does not see the reason why she should call any meeting as she single-handedly drove the project to its success. As Aida succinctly pointed out, "Over my dead body, there is no one who can come and take over the Chairmanship of the farm, *bonke la bayati ukuthsi le yifama yami and yonke ifamily inalo ilungelo lokuta la lizolima okanye lisebenze malifuna, kodwa kude ukumenenja ifama*" [everybody knows that all family members have access to the farm to plough or work, but not to manage a farm] (Interview, 14th August 2005).

According to the Constitution, whilst the Association is expected to elect a disciplinary sub-committee to 'administer and deal with actions by members who act against the interest of the association', this sub-committee was not in existence at the time of the study. This meant that Aida had all powers to resolve disputes; yet, where the matter engaged her directly, the members did not have any platform available to address their concerns. With Aida as Chairperson, this project still seems more likely than any to succeed in the short to medium term' (MMMPP, September 2005). Both Emil from TRAC-MP and Mampho from pDLA have portrayed Aida as "enthusiastic, knowledgeable with experience in farming and business skills and a natural leader" (Interviews, 26th April; 27th March 2006 respectively).

7.6 Policy Gaps Associated With Implementation

7.6.1 Institutional Governance

The establishment of CPA's and Trusts within DLA's land reform projects was particularly popular, with CPA's becoming even more so in later years. The official progress and annual reports reflect the increase of the preference of these legal entities by officials and consultants (DLA, 2005a, b). Compared to a similar legal entity, the Trust is relatively more expensive to run due to the cost implications associated with attorneys and Supreme Courts which may make this inaccessible to most rural areas. The Mathebula Project in particular had opted for the Trust (as per their first application), but for reasons unexplained to them, the project was registered as a CPA. From the Mathebulas' perspective, they wanted an entity which was not to be manipulated by the officials, as per their experiences with regards to the previously aborted farm.

However, the processes involved for establishing associations within the DLA (as evident from this study) are complex and time-consuming. Chapter Six has illustrated the enormous paperwork required for registering just one project with several Committees, memorandum, applications and requests for approval to be coordinated by a project officer. Some commentators argue that this "outweighs the fact that it is a free service since the delays can often be more costly", (deKock, 2005)[11]. Implementers of land reform, both Government officials and NGOs, consistently raised the continued difficulties experienced at community level in establishing and monitoring these structures.

For instance, Pienaar (1999) found that five legal entities of restitution cases throughout the country established between 1994 and 1996 experienced problems, 'despite ongoing support and thorough process that preceded [their] establishments'. The projects were located in different provinces — Riemvaasmak in the Northern Cape, Elandskloof in the Western Cape, Tsitsikamma/Mfengu and Clarkson in the Eastern Cape, and Witbank and Ebenhaeser in Mpumalanga. He observed that whilst the communities tended to be united before the settlement of claims, they seemed to experience problems just shortly before or after the land was restored. Problems identified amongst these projects included "breakdown of communication between leadership and members, frequent turnover in leadership, and increased factionalism…, no or inequitable allocation of assets,

[11] E-mail correspondence, Emile deKock, coordinator TRAC-MP, 10th November 2005)

mismanagement, squandering of opportunities, a disregard of internal rules, infrastructure and land being left to deteriorate" (Pienaar, 1999:327).

Recent evaluation of land redistribution projects in Mpumalanga also portrayed similar experiences. The TRAC-MP Pilot Mentorship Program discovered that 'institutional failure gives rise to project failure', and is often "associated with a poorly coordinated policy and poorly managed agency" (MMMPP: 63). Through working with six projects in Mpumalanga Province over a period of three years, this NGO differentiated between 'fundamentally flawed projects' stemming from the design phase, and 'institutional flaws' which can 'conceivably be improved'. For instance, a R23 million Coromandel project of 6000ha in Mpumalanga suffered from 'design shortcomings based on the large number of members which gave rise to unmanageable dynamics', together with difficulties in satisfying project members in terms of "dividends and jobs" (ibid) . The 411 members of the Noko Project on the other hand, maintained 'a marginally profitable operation' but had 'fallen prey to internal conflict' (ibid: 64). TRAC-MP claims that these projects still have the potential to be corrected, with the collective effort of members. This can be done by identifying flaws from the onset and making beneficiaries aware of these structural problems. This will "introduce a constructive new perspective where project participants can divert their focus from each other and current crises, towards broader, less immediate challenges" (ibid: 65).

In addition, Pienaar (1999:328) attributes these 'institutional problems to the use of legalese and language which is not the members' mother tongue' in their respective written Constitutions. As evident from this study, it is clear that the role of the implementing agencies ends with administration as required in their jobs, but does not extend beyond monitoring principles of governance within the projects. It is only when the project experiences serious financial problems that officials are alerted.

There are no mechanisms to monitor the 'democracy' and 'equity' principles as outlined in the *CPA Act*. The failure to provide clear indicators to assess the performance of the CPA institutions at local level was previously identified as a major limitation by gender activists. For example, Cross and Hornby (2002) identified that within these local institutions there was a lack of support for institutional capacity building, particularly with regard to conflict resolution in land allocation. It is in this view that the entity is perceived by some officials to have a stigma of 'land reform' or 'emerging farmers' because of lack of discipline often

associated with CPAs. This sometimes disadvantages beneficiaries among the financial institutions — perceived as high risk (De Kock, e-mail 10th November 2005). After seven years of LRAD's implementation, it is perhaps appropriate to reflect on lessons learnt in project implementation so as draft indicators of a successfull projects.

7.6.2 Access To and Control of Resources and Benefits within Project

One of the major challenges in the implementation of the development projects has been the equitable distribution of resources and benefits among beneficiaries. In most cases this has been the source of conflict among beneficiaries. The community conflicts among several beneficiaries throughout the country have been identified as serious threat to project sustainability (TRAC-MP, 2005).

Section 9 of the CPA Act prescribed the principles of equity through which all Constitutions have to abide by. Such principles require the administration of all assets, rights and interests of the Association to be conducted only for the benefit of the members of the Association. According to *Section 7.1* of the Constitution, assets, rights and interests "will be dealt with in such a manner as to ensure that all such members receive the same or similar benefits, and that any arbitrary and material distinction or discrimination shall be avoided" (ibid). The implication is that any property acquired through the *CPA Act* should be used for the interest of collective members and members will not be allocated any exclusive rights to plots. While there were limited formal (productive) activities that happened within the period of the research, control and distribution of minimal resources and benefits accrued at the time were in the hands of one individual.

7.6.2.1 Training

Skills training received through this period (as at end 2006) was mainly organised through the TRAC-MP MMMP program. Some of the Committee members were involved in the training and capacity building sessions as identified by Aida. For instance, Sydwell took up an administration 'post' on the farm for 9 months as a trainee with TRAC-MP. His understanding of his role was "as a farm administrator my responsibility is to see to it that we don't overload ourselves with overdraft, and we have to finish the loan with Land Bank in time. I am trained by TRAC-MP to account for the farm's expenditure". (Interview, 23rd April 2005). The list of training programs is tabulated in Appendix 7.4 (Table A-15).

Some project members benefited more than others through the TRAC-MP's support since 2003. For instance, Jane registered through the MMMPP in a nearby Agricultural College with other members from the pilot projects. They were registered for a three-year Farm Management Diploma. They had to complete two years of coursework and do practical work for a further year. Jane's courses included Soil Science, Engineering, Plant Protection, Farm Management, Irrigation and Computer Studies (Interview, 6th June 2004). Before her death in December 2005, Jane was enthusiastic about managing the farm in 2007 after completion. As she mentioned:

> *At school I am doing well. Last year I failed Farm Management though, because I did not know about economics. I will finish theory this year and next year I will do practicals. I will do practical in Lydenburg [another town], on vegetable and crop farming, because I want to be competent in poultry and crop farming* (Interview, 24th June 2005).

There were lessons learnt from these processes. For instance, both Jane and Sydwell, on return from the Permaculture training, believed that if they could introduce it in their farm, it would attract tourism opportunities (Interview June 2005). In addition, Aida vowed never to allow anybody, in particular the White farmers, to manage their project. In an interview, she shared her frustration about how the Government seems to be defeating the purpose of distributing land to Black people by appointing White managers. She made examples of poor people being exploited in other similar projects by 'appointed' White and Black managers. She narrated examples of projects in which beneficiaries became victims of 'appointed managers' (See: Figure 7.1).

Indeed, some government officials and white people (apparently referred by DLA officials) approached Aida to either 'pay-a-manager' as a mentor, or sell shares to experienced farmers or to sell the farm to white farmers who were going to guarantee their employment. With this experience, she was very clear she would not attempt to try these strategies often advocated by officials. As she mentioned, "*I learnt a lesson from the New Cairn Community Trust, how the members continued to be dependent on the 'manager' and how the manager manipulated their funds without their consent*". (13th August 2005)

7.6.2.2 Food and Shelter

As mentioned in Chapter Six, before the productive activities took place, the farm was used as a residence for Aida's household. Aida basically planted vegetables and maize for a period of 4 years since 2002. Extended family members including the beneficiaries visited her either in transit to their paternal homes or for holiday. On Herry's death, Sydwell stayed with Aida on a permanent basis. By 2005, after Jane's death, Jane's 3 month old baby stayed with her. During the ploughing season, a member who was interested in being allocated a plot in the farm had to consult Aida. This meant that a member would assist in the fields and then would benefit from the *isivuno* (reap).

7.6.2.3 Access to Information

Aida was informed by John of the Land Redistribution Programme. She subsequently heard through DLA, the television, and local radio that the government encouraged (a group of) women to apply for grants. Whilst the information and knowledge received through the implementation process cannot be quantified, it is obvious that the various members of the project have received information which they will use not only for the project, but also in their lives. For instance, the gender workshop and the HIV/AIDS awareness program were not necessarily pertinent to the running of the project per se, but had a definite impact on their general lives. Aida also made an effort to file some of the information she received from the courses and summits attended, relevant newspapers and other important information about her project. Although she rarely refers to it, she knows what information is there. How she is to use that information acquired through this process will be measured when the farm is in operation, and will certainly determine the success or failure of the project. Sydwell's Administration training had also assisted in bookkeeping and establishing a filing system in their house. While Aida in particular had experience in running a business, as part of this exposure her administrative skills have been enhanced.

7.6.2.4 Access to Income

Section 21 of the Constitution deals with financial management issues which the Committee should comply with. These entail 'principles of accountability and transparency' (*Section, 21.9*). However as previously mentioned, the original Treasurer did

not record any financial information for this project. From the beginning, Aida managed the finances by herself. She did not account to anyone on finance matters. Her major income during the study period was from the rent of the house, which she distributed as she pleased. For instance, she stated that:

> *Ngifumana iR2, 000 yerente kulomlungu,. iR300 ngiyipha uHerry ukuze athenge izinto zakhe ngoba uyandincedisa la, iR300 nginike uSenzo ngoba ma sifuna izinto la efamini uyasinceda, ngibhatale i-electricity namanzi efama, iR500 ngiyithumele ebantwaneni, eshiyekile ngiyi bhanke, I get R2, 000 from the rentals, and give R300 to Herry, send R500 to the other household in Hazyview, and pay electricity and water* (Interview 7th June 2004).

She banks a maximum of R300 per month in the Association's account, depending on monthly water and electricity costs. When she needed to withdraw money she did that easily. All her children who were on the Committee were signatories of the project account.

It is clear from the above that Aida, as the sole driver of the project, does not adhere to some of the principles as prescribed by the Act. With no monitoring mechanisms put in place by DLA, this system seems to be working well for both Aida and this project as no accountability is envisaged. From the evidence gathered through this process, the Constitution with its alignment to the *CPA Act* only remains intact on paper. Without any consultation with other members, Aida ran the project as her own business. By April 2006, when I finally left the project site, the rest of the project members still remained silent. At this time, it was only Sydwell and Aida who were planning for the introduction of poultry production on the farm.

However, the confinement of control of resources and benefits to a small group had positive spin-offs to the project. Aida was able to make quick decisions and allocate responsibilities to few people who were always accessible. More members on the committee could have delayed the processes even further. The policy should consider allowing even smaller groups (of women) with specific skills and exposure to apply for LRAD projects, maybe evenraising the amount of grants for those specific groups. The minimum amount of R20, 000 allocated to individuals who do not have resources is proving to be inadequate and forces them to 'rent- a -crowd' just to access resources. In that way, the focus of land delivery will be more on quality of projects delivered than the quantities of hectares and beneficiaries often reflected in official documents.

7.6.3 Multiple Roles Played by Women

As reflected in Chapter Three, the assumption of LRAD Policy in granting the minimum amount to individuals in a project is that the members should be entirely involved in the commercial agricultural productivity of the project. This notion has been challenged by some commentators as a limitation especially with regards to (rural) women accessing the grant (Cross and Hornby, 2002). The findings of this study also support this view. The different roles played by Aida are tabulated in Table 4.2-8 below:

ROLE	FUNCTION
Chairperson and leader	Decision making Distribution of resources Liaison with all stakeholders
Household head	Responsible for wellbeing of children and grandchildren
(Productive work) Farmer and labourer	Plant vegetables and maize Generate income
(Reproductive work) Caretaker	Nurture and care for the sick and orphans

Table 4.2-8: Aida's Multiple Roles

Aida's perseverance has gained her the respect of her family members and in particular, of her children. Sydwell mentioned that he has learnt to be patient from his mother (Interview, 23rd April 2005). He also mentioned that Aida's 'whole family supports and respects her because of her hard work and they rely on her in many occasions'. For instance, Herry, in particular, was very reliant on his sister. On the 18th May 2004 Herry's son was reported to be in jail for stealing a belt from a shop. Herry was very angry with his son and did not want to bail him out. He said, "*my sister will deal with that; she normally deals with difficult stuff of the family*" (Field Notes, 19th May 2005).

With all these responsibilities, the policy expectation of 'sweat equity' from women in particular seems ambitious and unrealistic. For instance, by the end of 2006, Aida had lost two of her active members to HIV/AIDS related diseases and was left to look after a 3 month old orphan. If the policy does not take into account these multiple roles, it is failing

the very same women it aims to empower. Over this period alone, she had to use different livelihood strategies to survive.

7.6.4 Livelihood Strategies

In rural areas, land is a mostly seen as a basic livelihood asset from which people produce food whilst earning a living. With access to land, families are able to provide labour through farming, provide grazing for livestock, gather fruits, wood, medicinal plants and other natural resources. Most importantly, land provides livelihood strategies for the poorest rural women to care for their children and elderly in the absence of their husbands. In this way, May (1999:29) refers to land as 'a fall-back asset' as poor people tend to rely more on cultivation of land, particularly garden plots, in times of need. However, this is limited to areas where there is sufficient rainfall for cultivation. So for those depending on local rural resources for their livelihoods, when they have secure places to live without threat from eviction, and have access to natural resources, productive land is very important to sustain their livelihoods (Adams, et.al, 1999). With this view, sustainable livelihood can be defined as 'the capability of people to make a living and improve their quality of life without jeopardising the livelihood options of others, either now or in the future' (OneWorld, 2006).

In countries such as South Africa and elsewhere where a large majority of rural population depends on agriculture for their livelihood and employment, it is thus crucial that addressing the land question in terms of social justice and equity is pertinent. Hlatshwayo, (2002) calls for a 'people centred' approach, instead of a rights based approach, in which participation of people (in particular the excluded groups of women and youth) becomes a 'transforming act in development'. The rights-based approach is limiting in a sense because it addresses the political question of either returning land to people who were forcefully removed or redistributing land so as to change ownership profile. The people-oriented approach moves beyond this and rather leads to 'self-actualisation' which will enable people to take control of their lives and which entails achievement of power to control, and access to and control over the resources necessary to sustain their livelihoods. Hlatshwayo's argument suggests that the land reform should also include people oriented processes such as giving support to people to sustain their lives on land rather than to focus on the transactions of land alone. Both these approaches should be seen as complementary.

In addition, people on the ground will be able to debate issues about development policies. As Hanlon (2002:36) pointed out policy development in Mozambique remained 'a catechism set in Washington and recited by senior figures in the Mozambique government and at headquarters of donor agencies'…without public debate by Mozambicans. However, these debates should take into account the "constraints of land availability faced by countries such as Namibia, Zimbabwe and SA" (Fuller and Eiseb, undated, Moyo 2005:1). Walker (2005: 824) rather suggests finding answers to the land question which should be sought in jobs, education, urban housing and provision of public health services. Rural women in particular have raised these issues as critical, because the land question cannot be addressed in isolation. For example the People's Charter as presented in Chapter Two have highlighted a comprehensive list of rural women's interest as demands to address the women's land rights. It can be argued that Walker's advocacy supports Jackson's notion that land rights is not the 'single key' that will 'unlock' women's subordination, and is therefore calling for governments' attention to start considering women's interests in land agrarian reform. Land reform plays a critical role to supplement livelihoods (Walker, 2005; Jackson, 2003). What is most crucial though is that women do have a say in matters that affect them — not only at political level but also at project development level.

7.6.4.1 Social Networks Influencing Decisions

One of the strong characteristics that sustained Aida's persistence was her ability to network even beyond her family. Deidrick confirmed this in one interview, 'Aida's willingness to learn from others and her networking skills are one of the strong points which can contribute to the sustainability of the project' (Interview, 8th June 2004). For example, although the previous TRAC-MP's mentor, a farmer himself, had since resigned, he continued to advise and support Aida in his personal capacity. They shared seeds with each other and he gave Aida advice on where to find cheaper material.

Aida also kept contact with John. As mentioned in Chapter Five, Aida perceived John as a mentor because she learnt farm management and business skills from him over the years. But, John's reliance on Aida after the application was submitted to DLA in August 2002 implies that their relationship was stronger. John moved with his wife, daughter and son-in-law with their sick child into the house whilst they were preparing to leave for Mozambique. It was at the same time that Aida, Sydwell, Herry, Senzo and his family

occupied the servants quarters near the house. John was not paying rent. In 2003, John was instrumental in assisting Aida to challenge PDLA officials. Although John has since moved to Mozambique to continue his business, he sometimes visits the farm when he is in South Africa. Possibly Aida's decisions were also informed by his support and guidance, as they also communicate by telephone. John's relationship with Aida originated from her parents.

In addition to these, Aida does communicate with and ask for advice from other people, including Government officials whom she knows, her family members and myself. One day she called me to ask guidance because one of the DLA officials had introduced a White person to her who was interested in managing the farm on her behalf. Although Aida had already told them she was not interested, she was upset that the same Government officials set them up for failure, and she wanted to know if there is anything that she could do to stop them in future. (Pers. Comm).

7.6.4.2 Family Support

From the beginning, when Aida wanted to purchase the first farm through SLAG, she had the support of her family. They cooperated and agreed to complete the application forms. When that project failed and she applied for second farm through the LRAD project, 43 members of her family members agreed to complete forms and to stand as project members. Most of the members were not interested in farming, as later revealed in Aida's account and as mentioned by other project members. The younger generation in particular, who constitute about 59% of the project members, just wanted to support her because they were excited that their family would have land. As Sydwell pointed out, "*most of these members, especially youth, were not interested in the running of the farm or even agriculture, but agreed to support Ma so as to qualify for the grant"* (18th June 2005. In essence, the family supported her to acquire the farm. Aida had to hire a taxi to visit some members when they had to sign application forms; she also had to spend money to call them and inform them of important meetings they had to attend for community resolution, etc. The members made themselves available for such milestones.

Secondly, whilst Aida was going through the agony of acquiring the farm as discussed in the previous chapter, she survived through the support of her family who supplied food and other necessities. Her two sons, Senzo and Sydwell, who live on the farm, have always been there for her and her children. As she mentioned in her life story, ' Sydwell buys food

and Senzo buys soap and other things that we need'. With her six children (four sons and two daughters), and six grandchildren to feed, Aida has always been dependent upon the assistance of her two sons. Occasionally, other members of the family, nieces and nephews, would come to the farm and bring food, fruit, meat and sometimes money. Aida also has a close friend who owns a van. Although he has his own family, he sometimes assists Aida either with food or money.

7.6.4.3 Consumption and Selling of Self-Planted Vegetables and Maize

Since her occupation of the farm in 2001, Aida lived on the monthly rental of the other house, and the informal selling of vegetables and crops. At the same time, some family members, in particular the elderly women came and planted vegetables like tomatoes, lettuce, green onion, spinach, carrots and maize on the farm for subsistence. Aida would then sell some of her vegetables to individuals informally. As Sydwell mentioned, "Our relationship as a family is still good now, maybe because we don't have money yet, but I know Ma (mother) will deal with conflict if it arises in future" (Interview, April 2005).

7.6.4.4 Renting One of the Houses

Aida also supported her family members through her earnings. From the R2, 000 monthly rentals she received, she gave R300 to Henry, paid R700 for electricity and water for the farm, bought food for R400 for her children and grandchildren who lived in the other home in the township, pays monthly school fees for her children and granddaughters (R200) and R300 for her personal needs. She banked the remainder in the project account for farm production. Her family was seen by Deidreck, the former TRAC-MP mentor, as 'united and cooperative' — a characteristic rare in other land reform projects (Interview, April 2005).

7.6.4.5 NGO's Support

From a land sector perspective, South Africa developed the Bill of Rights to address amongst others, redistributive and restitutory measures with respect to those disposed of land. The NGOs in the development, housing and land sector were commissioned to assist government with land delivery. As discussed in Chapter Two, some commentators reflected on how civil society and NGOs have generally been marginalised by government in policy

formulation (Jacobs et.al, 2004; Walker, 2005). However, many NGOs in the rural and development sectors have been instrumental in assisting government in land delivery and assisting communities to access land grants. The National Land Committee (NLC) was the main NGO network of provincial land rights NGOs. Prior to its collapse in 2003, it played a major role in mobilising funding internationally, coordinating research and advocacy, and in mobilising communities in the land sector.

Amongst the pool of programmes, it also facilitated gender mainstreaming programs, which included a DLA partnership programme of Promoting Women's Access to Land. Through these programmes, the land sector NGOs in various provinces engaged in different research, advocacy and sustainable livelihood projects which focussed on integrating gender into land reform processes. This 'destruction of NLC' has been seen by some NGO officials as 'the biggest breakthrough for some invisible forces' who want to retain the status quo (Emile de Kock, April 2006). De Kock believes that there is very little chance that NGOs would make an impact on land reform, 'after all agricultural organisations such as NARFU and AgriSA prefer selective beneficiaries to be involved in agriculture'. De Kock is of the opinion that without the NLC, only the more affluent, existing farmers will continue to prosper, without the irritation of NGOs. His view is that with the NLC collapse, the NGO land reform sector will lack integrity.

TRAC-MP played a major role in ' fast- tracking' the delay in progress of this project. Its role started with following up the processes within DLA. As reported by the MMMPP Coordinator,' we followed up with parties involved, ad nauseum — from the registration of the CPA (with project officer and Pretoria [the national office], the registration of the land title (with project officer, regional director, transport attorney)' (e-mail 10th July 2005). Other than liaising with the institutions, TRAC-MP, through the mentorship program, not only trained committee members on technical skills needed to start a business; they exposed them to different relevant projects as well. Their indispensable role in this project in has been infused in the entire implementation process, as reported in the previous chapter.

Although the NGO was not able to assist in the project's post–transfer of land, they played a significant role in ensuring that the land was transferred to the beneficiaries, whilst at the same time supporting the beneficiaries in fighting for their rights (both with DLA and the Land Bank). The specific role played by TRAC-MP included putting pressure on DLA officials to follow up the process, linkages with other projects and institutions, training,

mentoring and support. Referring to TRAC-MP's role, Aida pointed out that, 'if TRAC-MP was not there, I would not have been here [had the land] today, *angati ngengithini manje!* (I don't know what I would have done). Certainly, the support and trust given to TRAC-MP by Aida was also reflected by her phoning the MMMP coordinator during her 'sit-in' with the supplier. It can be argued that TRAC-MP has played a significant role in empowering Aida, if not to build her capacity to manage the farm, then with techniques (tactics) to fight for her rights. It is certain that TRAC-MP's support in this project has 'fast-tracked' a process that would have been aborted or in which Aida would have lost interest. Its intervention rescued the project member's when they had lost confidence in the process.

These strategies, together with others identified in Chapter Two are some of the alternatives left for women to strive for survival in dire need. It is thus crucial that policy development processes take them into account. The legislative framework, the informal social networks, and alternative income-generating initiatives can only but supplement the commercial operations of the farms. This notion is supported by Razavi (2003:18, 28). She suggested that land reform should not focus only on agricultural production, but should be understood 'as a means to create conditions in which people can construct livelihoods from a variety of sources, both agricultural and non-agricultural, in more effective and productive ways' Her East Asian experience has proven that small pieces of land close to other income opportunities are useful for large numbers of poor families, in particular, women. In South Africa, Walker (2003) also pointed out the other values attached to land such as housing, firewood, grazing, and building and craft materials. Certainly, the Mathebula project has the potential to take advantage of such diversified opportunities.

7.7 Conclusion

Although some African countries have ratified international Conventions against discrimination, WLSA (2001:40) reported that this ratification does not guarantee enjoyment of rights as guaranteed by that Convention. Whilst these countries' policy reforms are acknowledged and commendable by most commentators, several obstacles including institutional frameworks, access to information about the law, patriarchal attitudes, and customary practices have been identified as hindering factors in the implementation of such democratic laws (Walker, 2002;, WLSA, 2001).

The effectiveness of CPAs in managing changing social relations of power, the unequal social practices and the existing perceptions about the roles of men and women in societies has been questioned. However, there have been cases which were reported to have advanced women's rights with considerable support (Walker, 2002). This project in particular provides such evidence, despite the challenges encountered in the implementation processes. Aida's self confidence has empowered her to rather turn her challenges into opportunities using the variety of strategies available to her at the time.

The management of the Mathebula CPA was solely run by Aida. While the rules and regulations of the *CPA Act* were not adhered to in this project, the Act has however provided opportunities for ownership of the land. Although this legal entity has not worked well for bigger groups, it can be argued that it is appropriate for small, individual and cohesive families such as the Mathebula Project.

Whereas other researchers have advocated 'community education' and 'rural women's mobilisations' to solve problems experienced in local level structures, Cross and Hornby (2002) assert that the answers are rather 'complex'. Firstly, there are no mechanisms in place which can be used to assess the 'failure' or 'success' of CPAs, as DLA has failed to provide such indicators. Secondly, to date, DLA has not developed monitoring tools or mediating support to these legal entities, therefore there is no-one who currently provides any institutional support to these entities. The tendency is that in cases of dire need, the established entities revert back to the traditional familiar practices available at their disposal. Thirdly, the representation of women in the committees of these entities is not necessarily an indicator of improved access to land for a number of reasons. These include unsuitable timing of meetings for women, the fact that gender roles still persist within structures with women appointed as secretaries and not Chairpersons, incapacitated women participating in meetings, etc (ibid:58).

With clear intentions of an individual ownership from the beginning, an individual can mobilise his or her own family members to acquire land through the LRAD program, as proven by this case study. Aida's attitude was encouraging to other stakeholders who saw potential and enthusiasm in her; hence, the undying support they offered. Her enthusiasm nevetheless was not without frustration and despair. Some commentators could however perceive this as negative because there was unequal distribution of resources and benefits within the project. Be that as it may, this manipulation of Government systems is an

illustration of how LRAD could be beneficial in terms of accessing and changing ownership of land to disadvantaged communities or individuals. It is more so when the beneficiaries are aware of the intentions from the beginning. They would mobilise themselves for the benefit of acquiring land in their family name.

This case study also illustrated how women themselves use both legal and customary practices to their own benefit. While in this study there was no influence of traditional authorities, Aida employed certain traditional practices within the project to manage the project. Similar to previous findings by other researchers such as Whitehead and Tsikata (2003) and Claassens (2007), Aida used statutory law to protect her rights but reverted to customary practices in running her farm with total ignorance of the *CPA Act*. These findings seem to be advancing the idea that there is validity in looking at 'customary' and 'statutory' rights in combination rather than advocating them in isolation to protect women's interests. As Claassens (2005: 35) puts it, "*women are likely to use whatever is available in their efforts to secure land rights. They will combine whatever is useful from the 'customary' with whatever can help them from the Act*".

At the same time, the Act (statutory law) was not effective enough to protect the other project beneficiaries. In this project, it seemed that Aida's position within the family and her role as a reliable, trusted, respected and hard working aunt, sister and mother played an important part in the beneficiaries' inactive role in the project. At the time of this research, there was no indication of any beneficiaries' intention to challenge her in the running of the project. Instead, the property ownership was perceived as belonging to an individual (Aida).

The evidence from this study shows that it is imperative that women should assert themselves in securing their land rights and refrain from succumbing to the dominance of not only men, but also to exploitation by officials in land-related matters. In this way, women could become "active participants and drivers in their evolution, rather than recipients of foreign imposition" (Mann 2000:38). In this study, Aida demonstrates several ways in which women could take advantage of opportunities created through such reforms. As Meer (1999:87) correctly pointed out "…unless the intended beneficiaries of land reform become agents able to pursue and advance their interests, the policy goals of social justice and gender equity" will not be realised.

The chapter also highlighted gaps as a result of internal factors which affect the implementation of policy. These include institutional governance, control of resources within projects, multiple roles played by women, and the different livelihood strategies employed by women to sustain themselves and their families. The recommendation is that policies should take these factors into account if women's interests and rights are to be protected. The study illustrates that whereas these gaps have been previously identified in cases where male patriarchal attitudes prevail or men are in power, even women ignore the principles of 'equity' for their own benefit. Despite these policy gaps, it can be argued that Aida's project has potential for sustainability overall. However, it is also important to register constraints and unintended outcomes which came as a result of the delayed implementation process. These are highlighted in the next concluding chapter.

CHAPTER EIGHT

THE LIMITS OF POLICY DESIGN

8.1 Introduction

The study presented a case study of a land reform project in Mpumalanga Province which was established through the Land Redistribution Programme. The Mathebula project was driven by an adult rural woman who mobilised 37 of her family members to acquire land through the LRAD program in 2001. The study was aimed at investigating the implementation of this project with a focus on how DLA facilitated acquiring of land by a woman taking into account its commitment to gender policy imperatives.

Qualitative methods were used to capture the context and realities of people involved in the project for an initial period of six months, a time period that was then extended to ten months due to lack of progress on the ground. The bureaucratic processes as presented here, reflect the processes and dynamics of translating the DLA's Gender Policy into practice. The study draws its theoretical basis from the Gender Analysis approach, which is based on the premise that the success of development programmes will be enhanced if issues of equity are addressed. Specifically, the approach recognises the differing gender needs and the roles of women and men, and aims to develop mechanisms for mainstreaming women into the development processes. Thus, the study used a gender analytical framework to "collect and analyse gender disaggregated data at all stages of the programme/project cycle" (UNDP, 1995).

Several commentators including gender activists, researchers and policy analysts had previously made statements about the commitment to implement gender equity goals through rural development programmes, such as land reform. Some argued that "gender remains on the margins and is not conceived of as a core business of either the DLA or the non-government organisations in the land sector" (Hargreaves and Meer, 2000: 277). Literature reviewed in this study has identified that similar trends do occur in other African States (like Zimbabwe, Uganda, and Zambia) and Asian and Latin American countries. Likewise, DLA officials in the Mpumalanga Province in South Africa confirmed the low priority (if any) afforded to gender issues within the department, with only gender

workshops and Women's Day celebrations marked as events for gender activities (Nkosi, X., April 2005). These evaluation studies had often taken several forms like official reports, commissioned reports, national surveys, policy reviews etc. This study however, was designed as a case study methodology, so as to look at the in-depth analysis of the high-level policy commitments, gender and LRAD policies. The study specifically focussed on the implementation of these policies through the LRAD project. This section provides conclusions derived from the undertaking of this study, together with issues for both policy and theoretical considerations. In particular, the gender specific issues are highlighted.

8.2 The State and Land Reform

In general, land has historically been (and still is) a 'contested territory' (Melber, 2001). Colonisers in Southern African countries such as Namibia, South Africa and Zimbabwe have appropriated land and forcefully removed people who originally used it for survival. This has resulted in inequalities in ownership and access to land that is currently experienced in the post-colonial era. For this reason, land reform has been seen as one of the crucial aspects of redressing and 'healing' the injustices of the past.

At the dawn of the post-apartheid era in South Africa (SA), various (rural) societies saw the light at the end of the tunnel. Amongst other priorities, the newly democratically elected South African Government had made the land reform programme a cornerstone of the reconciliatory growth and development strategy so as to redress the imbalances of the past Government atrocities. Consequently, South African government committed itself to gender equality and clearly stated the constitutional imperative of advancing gender equality through the various departmental gender policies.

However, during the negotiations towards democracy and after 1994, the land reform programme seemed to take a lower priority in the State's agenda. For instance, other challenges faced by government in implementing the tenure reform programme in communal areas are largely due to the fact that 'land is unregistered and unsurveyed', there are "poor records of land occupation" and chaotic land administration on the ground (Mann 2000:4). The resultant legal insecurity makes it difficult for people to protect their rights, because land is still owned by the state (ibid). Rural women face most obstacles in these cases as the control of resources lies mostly with men. In addition, the state failed to

provide gender disaggregated data on its progress reports on implementation of programmes as at 2007. Literature reviewed indicates that various gender activists and researchers have highlighted limitations of the land reform programme in advancing women's rights (Hall, 1996; Walker, 2002, 2005; Mann, 2000; Cross and Hornby, 2002; Claassens, 2000, 2005, 2007; Weideman, 2005).

Further, the allocation of the budget towards land reform (to DLA) in comparison to other ministries was highlighted as one of the limiting factors. Whilst the budget had increased since 1994, it was reported to have been less than 1% of the national budget by the 2005/6 financial year (Jacob, et.al, 2003). This limited budget was accompanied by under-spending reported annually in the DLA reports. The subsequent shifting of targets of land delivery from 2005 to 2015 was indicative of the unrealistic expectations and misunderstanding of the complexities of implementing land reform. The budget was further limiting taking into account the time consuming processes needed to build the capacity of marginalized groups, such as women, who needed a series of repetitive interventions for effective empowerment.

Together with the above, the lack of capacity within Government departments has been a major contributing factor to non-delivery. In earlier democratic years, this was attributed to the new, inexperienced officials not being familiar with the newly constructed policies. The reasons changed over the years to include a high turnover of officials within the Department due to "pressure to deliver both from the communities and the principals" (Sam, Nkosi April 2006). It seemed clear from the officials' perspective that this pressure to deliver did not include equitable delivery. Taking into account the centralised gender function within DLA, the one-person department with its limited policy input and monitoring role, limited training for officials and no reporting mechanisms on gender issues, DLA is not committed to its gender equity goal.

This study supports the earlier comments by various gender activists and researchers (such as Hall, 1998; Hargreaves and Meer, 2000; Walker, 1998; Cousins and Hornby, 2000; Cross and Hornby, 2002) and institutions in South Africa (like the African Gender Institute, the NLC, and the Rural Legal Centre). The identified gaps ranging from policy development, monitoring and implementation led to the unsuccessful gender agenda not being realised by both Government and civil society in land reform.

8.3 Policy Issues

8.3.1 Legislative and Policy Framework

South Africa is generally recognised globally for its progressive Constitution and legislative mechanisms which have been put into place since 1994. With regard to land reform, the DLA could be applauded when one looks at the series of legislations and policies that are in place since the new dispensation discussed in Chapter Three. However, the development of the Constitution was reported to have sparked some controversies, particularly in relation to the protection of women's rights (Mann, 2000; Walker, 2002). Equally, subsequent DLA's policy development processes were no different, with dominant patriarchal structures like traditional authorities contesting the protection of women's rights. Perceptions of role players in these debates reflected how the issues of protection of women's interests were marginalised during these processes; although ultimately, compromises were reached after serious negotiations from NGO's, gender activists, researchers and interested individuals. These vigorous debates set the scene for what would be the implementation of these policies at grassroots level. Literature reviewed revealed the extent of advocacy, reluctance, controversies, negotiations and compromises which happened during the development of policies. It is no coincidence that South Africa's vigorous debates on gender issues are still a contested territory after a decade of democracy. It is therefore in this societal context that the implementation of gender equity programs in SA should be seen; hence, this study.

8.3.2 CPA as a Communal or Business Entity

Whilst the *CPA Act* has its limitations of time-consuming, complex processes and has been criticised for its capability "to hold and manage land" during review of land policies in 1999 (Hall and William, 2003)[12], this case study has proven that cohesive groups with relevant skills and dedicated people can use the Act to their benefit. These groups or an individual could voluntarily mobilise themselves to acquire land through a redistribution program. In this case study, Aida (and her family) consciously organised themselves for this purpose. However, the Act itself is not conducive for commercial purposes. The rules and regulations as specified in the Act leaves little room for a business to prosper with its requirements of group or communal ownership. Simply, the Act's rules and regulations in terms of governance, consultation, accounting, leadership and overall management of the

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CPA are not compliant with the effective and efficient management of a business. These processes could be cumbersome and time-consuming for emerging farmers whilst their priority is productivity. In this case, Aida has shown how the CPA requirements are impractical in reality. Instead, she ran the project as a business (of hers) and had adamantly adopted business rather than communal ethics, as prescribed by the Act. In this sense, this case has challenged the policy view of running a business as 'a collective'. The concept of 'community', as prevalent in the South African development discourse, needs further clarification. As stipulated in Chapter Seven, there are three notions attached to the term which are sometimes used interchangeably by implementers, policy and the society at large. Whereas the family projects might share common history and economic goals (and in that sense are described as a 'community', the CPA does not guarantee that decision making within the community is democratic nor it guarantees equal participation of all members or women for that matter. This case study has shown how even women themselves are not immune to such practices. Aida runs the Mathebula Family Project as an individual business rather than a communal property and in that way it is efficient, quick and easy to make decisions and deal with administrative requirements. Thus, the project has the potential to succeed beyond expectation given Aida's business experience and farm management skills.

8.3.3 Policy Implementation

Overall, at implementation level, the redistribution programme was characterised as being slow and overly bureaucratic, with a very long and complex project cycle that held up delivery and put unsustainable procedural burdens on the beneficiary groups. While the policy shift from SLAG to LRAD was initiated in 2001, the issues which were supposedly addressed still remain intact, if not added to. Since its inception in 2001, LRAD has been the flagship of DLA. The DLA official report claims that their significant high performance in delivery of hectares in later years has been through the LRAD program (DLA, 2005a, b). While progress is recorded in official documents and commissioned papers, in a quantitative format as projects approved, a microscopic view of these projects proves that the contrary is true.

In general, land reform projects are embroiled with serious issues of management conflicts, market access, lack of capacity issues, financial constraints, etc. This study in particular,

together with the LRAD pilot projects chosen by TRAC-MP through the MMMP Programme in Mpumalanga Province, reflect a number of problems, flaws and limitations in the implementation processes of LRAD projects, as discussed in Chapters Six and Seven.

8.3.3.1 Bureaucratic Processes

Land reform in general encompasses extensive bureaucratic processes starting from the application requirements to land transfer. With regard to LRAD, an attempt was made to decentralise the decision-making process from Ministerial level to Provincial structures. However, this decentralisation has not had positive results, at least in other provinces such as Mpumalanga. This case study documented an experience which might be considered as a rare occurrence. Taking into account the close proximity of this project to Government amenities (20km), it was very clear that the delays experienced by this project were solely due to bureaucratic systems both in Land Bank and DLA. The processes of implementation as outlined and tabled in Chapter Six are evidence of such complex and time consuming approval processes. The enormous documentation forms to be filled out, committees and requirements just for one project, raises questions about how any one project officer could afford to manage several projects in a year. In that sense, the minimum time frames of 6 months as stipulated in the LRAD Policy are rather unrealistic and impractical.

8.3.3.2 Institutional Arrangements

Chapter Three has outlined the national institutional arrangements which are in place in South Africa with regard to advancing women's interests. These institutions have been established mainly to align the States' gender equity goals with international trends. Subsequent to these international obligations and commitments, different departments such as DLA, developed gender policies which were aimed at putting these commitments into practice. Beside, Government departments and other institutions which were mandated to deal with land related matters, subsequently put mechanisms in place to implement these national goals. So, Chapter Seven also investigated the extent into which these institutions have supported the LRAD program, particularly by focussing on their involvement with the Mathebula project. It is reported that the ratification of these international Conventions against discrimination does not guarantee enjoyment of rights as guaranteed by that Convention (WLSA, 2001:40). This study's findings support these earlier reports.

This study has focussed on the role played by Land Bank, TRAC-MP, DoA and pDLA. While there were benefits identified, mostly from the intervention through the NGO Mentorship Program, some factors which had a negative impact on the project were identified. These included the poor coordination between Provincial Government departments, unavailability (unwillingness) of DoA officials to assist, improper management of the relationship between beneficiaries and project officers within the institutions and budgetary constraints. According to DLA officials, the fact that this particular project's application was initiated in 2001 and only approved in 2003 was a result of budgetary constraints within the department and a lack of communication between national DLA and Land Bank, which resulted in funds being depleted before the end of the 2002 financial year.

With these constraints still prevalent, difficulties experienced by beneficiaries, similar to Aida's, do compromise the good intentions as purported in government policies. Beneficiaries who manage to successfully acquire land will be subject to unending battles, barriers and negotiations within these institutions. Similar to other beneficiaries, women need information and an understanding of the different actors involved, processes and time frames expected for the approval processes of the projects. Without this information, they are subjected to confusion and unnecessary conflicts with project officers (as this study has revealed). As Chapter Six reported, it is only women who have the courage, patience and strength who will survive such challenges. From this assessment, it can be argued that DLA and other institutions, who are implementing agencies of land reform in SA, are still not capable of protecting women's interests and needs. No evidence was found in the implementation of this project which suggested otherwise.

8.3.3.3 Communication with Beneficiaries

A serious gap identified in these processes is the lack of communication mechanisms to beneficiaries. As shown through this project, this had the potential to totally break the relationship between the officials and the beneficiaries. Without the assistance of external mediators (the lawyer and the NGO), it is doubtful if the beneficiaries could have successfully acquired the farm they now own. Equally, the Land Bank was guilty of such incapacity to communicate. It is recommended that communication and monitoring mechanisms be built into the management of projects which will manage the relationship between the project officer and the beneficiaries, whilst keeping the beneficiaries informed

of the processes and progress. Such mechanisms could include monthly meetings with beneficiaries, letters, telephone calls etc.

8.4 Gender Specific Issues

Various gender activists and researchers: Hall, 1998; Hargreaves and Meer, 2000; Walker, 1998; Cousins and Hornby, 2000; Cross and Hornby, 2002 and institutions in South Africa (like the African Gender Institute, the NLC, and the Rural Legal Centre) have identified various gaps ranging from policy development, monitoring and implementation which led to the unsuccessful gender agenda not being realised by both Government and civil society in land reform. As a result, these people have argued that gender is not the priority in land reform delivery. Whilst these sentiments were raised in the early developments of land reform programmes in general, it seems they continued to surface with the new flagship programme, LRAD. The following are specific issues raised:

8.4.1 Gender Considerations in Policy

The Land Reform Gender Policy was informed by a National Policy on Gender. (OSW, undated: iii). As a strategy to implement the policy, DLA focused on four areas, namely communication, training, legislative review and monitoring and evaluation. This policy by itself, received several critiques by gender activists and researchers who questioned the DLA's approach and general conceptualisation of gender equity (Hargreaves and Meer, 2000; Hall, 1997; Walker, 2002, 2005). This has led to some arguments that the policy does not deal adequately with the question of women's independent land rights, or the state's role in advancing this participation. Without the rationale provided for in the development of this Gender Policy, some commentators predicted ungendered "policy instruments and implementation systems" (Hargreaves and Meer, 2000: 267).

When considering the differing views of this policy among gender activists, it became doubtful that the DLA was committed to gender equity. This meant that these crucial documents which were meant to enable officials and other implementers in the land sector to "operationalise policies by translating broad commitments into project procedures and general guidelines and standards", did not receive enough attention from DLA (Walker, 2002). A threat to its application is that its development was aimed to be integrated into

other land reform programs. With its limitations and flaws as identified by gender activists and researchers, it is highly unlikely to produce equitable outcomes in land reform.

In Mpumalanga, several attempts have been initiated to enhance this policy. Firstly, the pDLA commissioned a project funded by DANIDA in 2001/2 to develop guidelines on how to mainstream gender considerations into land reform processes. However the guidelines had never been used by the department after completion. Officials employed in 2004 do not know the existence of that document (X. Nyathi, April 2006). Secondly, DANIDA subsequently funded TRAC-MP to develop tools to integrate gender considerations into project planning, a process which was endorsed and driven by the provincial land reform implementation agencies such as Land Bank, DLA, DALA (Department of Agriculture and Land Administration), DoH, NDA and others. The resultant document and the CD completed in 2006 were widely circulated amongst all stakeholders in the province. As from 2007, there is no evidence of that document being used by any of the agencies except TRAC-MP. The fact that both these planning documents have not been consolidated into the DLA's Gender Policy is a serious flaw which has left national implementing agencies without guidelines to integrate gender issues in project planning. This is a serious gap identified in policy development.

The development of land redistribution policies did not come without controversy. The policy shifts from SLAG to LRAD within four years of its establishment was envisaged to provide corrective measures for the identified inhibiting factors for women's access to the programme. In addition to the General Policy limitations, the LRAD Policy proved to be 'woman-unfriendly', particularly towards poor rural women. Since the inception of the programme, critics have raised concerns about not only the design of this programme, but also about its practical implications. A General Policy review, with mechanisms for addressing specific needs of rural women should be considered by DLA. Most importantly, the monitoring mechanisms to evaluate the qualitative impact of the programme on the livelihoods of women as beneficiaries should be developed. Otherwise, the progressive Constitution, legislation and the accompanying policies which were meant to attain gender equity goals remain 'piety in the sky' even during 2007 (Walker, 2002).

8.4.2 Women as a Target Group

South Africa's commitment to gender equality since 1994 has been marked by the creation of a number of bodies that deal with gender equality, referred to as the 'National machinery'. Nelson Mandela's speech at the opening of Parliament in 1994 even mentioned government's commitment to gender equality. As he pointed out, "freedom cannot be achieved unless women have been emancipated from all forms of oppression…unless we see in visible and practical terms that the condition of the women of our country has radically changed for the better, and that they have been empowered to intervene in all aspects of life as equals with any other member of society" (Baden et.al, 1999). Subsequently, in the late 1990's, South Africa developed a variety of policy frameworks accompanied by enabling legislations. These included the *Termination of Pregnancy Act of 1996*, The *Domestic Violence Act of 1998*, The *Maintenance Act of 1998*, The *Recognition of Customary Marriage Act of 1998* and others (Hassim, 2005:341-2).

DLA, like other government departments, made similar commitments and developed its own legislation and policies. These recognised the importance of gender equity and set targets for women to access land. However, some researchers criticised these policies due to the general poor conceptualisation of gender equality (Hall, 1998; Meer, 1999; Hassim and Albertyn, 2003; Hassim, 2005). In 1997, DLA developed the Gender Policy. As discussed in Chapter Three, women in this policy were singled out as a target group within beneficiary categories. There is an acknowledgement that households are not solely headed by men. However, Hall (1998) and Walker (2002) highlighted the shortcomings of the Gender Policy amongst which was the DLA's priority of 'speedy delivery'. This was seen as contradicting the gender equity goals, if one takes into account the subordinate position of women in society. The resultant implementation of these policies met the critiques' expectations that, "it is highly unlikely that the policy will achieve its intended vision of equity" (Hall 1998). In fact, some commentators pointed out that this failure to target women in policy implementation is based on the fact that the policies emphasised "the maternalistic' notion of women's work 'rather than directly empowering women" (Hassim 2005:347). Hassim argues that these policies, such as the *Maintenance Act*, are passed in Parliament because they address "family failures' and 'children's needs" (ibid). In cases where the rights of women are advanced, this receives vociferous contestations from dominant patriarchal societal groups such as lawyers, men, traditional authorities and the

state. The debates on the development of *the Communal Land Rights Act* have often been cited as a typical example (Hassim, 2004-5; Walker, 2005).

LRAD's targets of empowering women came with similar results. As at 2007, official documents do not reflect the women beneficiaries of LRAD in their progress report. The focus in these reports is on hectors of land and number of beneficiaries. Some provinces showed numbers of female-headed households who benefited from the programme (DLA, 2005). However, what has been lacking in these documents is the gender focus of the impact of these policies in general. This study has highlighted how in one project, the empowerment of women has been ignored even when the woman who was driving the project was enthusiastic. The study confirms the previous views by other researchers that this gender equity commitment is not always practiced by officials; rather, it remains in 'paper tigers' (WLSA,1997). It is also evident that the implementation of these policies by officials and others in the land sector is subject to different, sometimes conflicting interpretations, often resulting in unintended adverse outcomes. The unintended outcomes of this project are spelt out in the section below.

Secondly, the study has revealed that the (sometimes) lack of differentiation among rural women is problematic. Differentiation of women (even rural women) in the same class category is important. The differentiation is normally focussed on marital status, class, race and position in society. The study has illustrated that while all women could be poor, rural and illiterate; they differ in terms of personal traits and capabilities. Aida's capabilities and personal traits of self confidence and awareness have enabled her to manoeuvre through her struggles of negotiating land rights as revealed in Chapter Seven. As discussed in Chapter Two, these are indicators of empowerment which enable women to be change agents in their own lives and communities. With these traits, Aida has been able to take control of her life and influence society beyond her practical needs. There were no specific programmes designed for women empowerment in the province, and yet she, (similar to other beneficiaries of land reform projects) successfully acquired her farm, an achievement which could be attributed to her personal traits and capabilities. The recommendation is that programmes such as LRAD should take recognition of these women, and do not simply offer "fit for all packages" of women empowerment (Claassens, 2007).

8.4.3 Lack of Monitoring Tools

With regards to gender equity, the department has provided neither disaggregated data in terms of gender, nor a gender analysis of their progress on land reform. This data would be important in 'raising consciousness, promoting change, and in developing monitoring and evaluating departmental policies' (DLA, 1999). As at 2007, the annual reports of DLA did not provide this data nor did any of the official documents make reference to the impact of land reform on gender disparities. The absence of such critical gender analysis has led some commentators to question DLA's commitment to gender equality, as this 'prevents effective programme monitoring' (Mann, 2000:35).

Further, DLA officials throughout this study have confirmed the low priority (if any) afforded to gender issues within departments, with only gender workshops and Women's Day celebrations marked as events for gender activities (Nkosi, X., April 2005). Thus within DLA, gender equity has not received the attention and status it deserves, a similar trend which has been identified in most Southern African countries. Without the gender specific policies and attention, the developed policies remain 'paper tigers', which are "unable to change women's reality on the ground" (WLSA, 2001:39). Taking into account the experiences of the Mathebula beneficiaries, there is argument to support this position.

8.5 Theoretical Considerations

8.5.1 Customary or Statutory?

A historical account of women's rights to land has been previously documented by Claassens (2003). In particular, she reflected on how women's rights to land were 'distorted' over time from pre-colonial to colonial period. This was important to emphasise how women's interests were protected in communal areas, within household, families and in African societies. Some views that advocate a specific approach to secure women's rights in relation to land can be misleading in policy reform, as they tend to focus on redressing the colonial state of affairs. For instance, in South Africa, the changes to the development of a new LRAD from SLAG Policy were as a result of (amongst others) advocating women's individual rights to land, based on patriarchal attitudes and traditional customary practices in the postcolonial period (May, 1999).

Other researchers recognise that it is not a single approach which can re-claim women's rights. They offer a combination of 're-turn' to customary and statutory law will afford maximum claims for women under either or both (Whitehead and Tsikata, 2003; Claassens, 2003). As this study has shown, Aida secured and protected her rights through statutory law in an urban context. The recognition of both customary and statutory protection of women's tenure rights could be beneficial in cases where women's rights are threatened in different contexts. Women should be able to use any one which is relevant or accessible.

8.5.2 The Voices of Poor, Rural and Illiterate Women

Within the gender discourse, the dominant view of government continued to present illiterate rural women as needing 'empowerment' through capacity-building programmes and training skills, hence the empowerment programmes which focus on technical skills such as business management, financial management, leadership skills etc. The Mentorship training programmes presented particularly through this project during the implementation stages are typical of such 'empowerment' programs targeted at rural women in other sectors throughout South Africa. However, the discourse has ignored the rural women's other dimensions of power. Whereas the recognition of their collective support has been recognised, mostly by mobilising them to raise their plight (such as rural women's movements and other social movements), the 'power within' them and the 'power to' has been often ignored by government. This is the power within individuals, which portrays the strength, resilience and the ability to negotiate through their struggles. While technical skills of managing a business are critical, what are also crucial are the social skills such as negotiation, networking, persuasion, and conflict management. Some researchers and civil society groups have long realised and maximised these dimensions of power, especially when dealing with women. For instance, Deere (2003) has shown how the mobilisation of three rural social movements in Brazil strengthened recognition of women's land rights at national level. However, in South Africa, a strong organisation of rural women's movement has been lacking, where rural NGOs (TRAC for example) and dedicated feminists "spoke on behalf of rural women" (Hassim, 2005:353).

This case study has in particular, shown the benefits of having a NGO in close proximity. At the time when Aida was despondent, TRAC intervened with suppliers, with DLA, the Land Bank and the suppliers, as outlined in Chapter Six. As discussed in Chapter Two, it is

acknowledged that NGO's carry out the political agenda of the donors by whom they are funded. However, the critical role they play on the ground, both as watchdogs of service delivery and implementing agents, should not be undermined. The advocacy role they play, particularly in policy development processes, is important, as most of the time they bring experiences from the rural settings. This does not suggest that NGOs are the only platform through which voices of women could be heard. Rather, the recommendation is that government should take the role of NGOs in policy development processes seriously without necessary perceiving them as 'anti-government' as often experienced in the South African context.. This supports Hassim's view that the state and the women in Parliament do not necessarily have the interest of the women as they are more accountable to the party than the electoral constituency. It is thus important to have "a strong women's movement" putting "pressure from outside" (Hassim 2004-5:356).

8.5.3 HIV/AIDS, Women and Land Reform

The escalation of the current social crisis of HIV/AIDS and its impact on the land question cannot be ignored in policy development processes. Whilst the impact of this pandemic at macro level is beyond the scope of this study, it has shown significant negative impact on the implementation of this project, resulting in the death of two of the active beneficiaries of this project. This unfortunate scenario had wider implications on the effective implementation and sustainability of the project. As Chapter Five reveals, these lost opportunities (death) did not only affect the project negatively, but also could affect the future of the surviving beneficiaries. Understanding this wider impact on women's everyday lived experiences beyond project implementation is particularly crucial in policy development, as it has the potential to weaken their position in land management activities. Thus, land reform policy development processes should take into account the implications of HIV/AIDS on the projects and its effects on its intended beneficiaries. What makes this point relevant to gender is the fact that project beneficiaries, in particular women, who play multiple roles in their households and families, are adversely affected by the impact of the disease on the sustainability of the project. Women's increasing role of caring for the sick and orphans could affect their productive time to be spent on the farm.

Thus, it is therefore increasingly evident that policy makers need to pay serious attention to the overwhelming impact of HIV/AIDS on livelihoods and land reform, in particular to the women's vulnerability. Drimmie (2002) cited examples in Kenya, South Africa and Lesotho which indicated the increased levels of HIV/AIDS in these countries. He concurs with Walker (2002:67) that interventions to address these effects should not only go beyond merely focussing on prevention and care, but should also take into account the added challenges of land use, land rights, and land administration as a result of the epidemic affecting and infecting households and people working within institutions (ibid: 24). As Walker mentioned, these strategies should be "located within a broader developmental framework rather than construed simply in narrow health and education terms" (Walker, 2002:67). On the other hand, Msimang (2006) offers concrete policy recommendations which should be considered for any development initiative, such as land reform, to succeed. These include:

(i) HIV/AIDS should not be regarded as a chronic illness but as a human rights issue. This could be achieved by eliminating discriminatory language and the perpetuation of the stigma attached to people infected with the virus, such as AIDS victims or patients.

(ii) HIV positive women's voices should be taken seriously. Msimang contends that more often it is the feminist voices who comment on HIV positive women's experiences about sex, their partnership, their treatment within health and other state systems.

(iii) Institutions who work with HIV women (such as NGO's) are mostly patriarchal and need to be challenged.

(iv) There is a need to build upon existing outreach structures rather than focusing on 'small — scale pilot projects which are costly' and provide little impact.

(v) There is a need to mobilise women living with HIV both at local and national level, and a specific focus should be built on 'leadership strategies, confidence building' and strengthening 'women's caucuses and/separate groupings'.

8.6 Methodological Reflections

This case study has documented the experience of a family project led by a rural (poor) woman who for four years challenged a bureaucratic system through negotiations within

and between institutions and amongst individuals, so as to secure her tenure rights. To trace in detail the implementation processes of LRAD, a case study methodology was thus identified as a suitable approach to this study. The analysis of this study therefore broadens knowledge on the understanding of the implementation processes of land reform (in particular LRAD) projects and the difficulties experienced by beneficiaries, specifically rural women. The case study approach has shown that without investigating the processes which occur within these projects, the real impact of land reform on the beneficiaries' lives is far from being realised.

There was no similar study in South Africa which was found. Previous DLA monitoring and evaluation systems in South Africa measured the quality of life of the land reform beneficiaries through national surveys. However, these studies did not specifically look at the impact on women as a group; they tended to group women as land reform beneficiaries. A variety of South African policy reviews and commissioned studies do exist, which specifically focussed their analysis from a gender perspective (Mann, 1999; Hall, 1995; Hargreaves and Meer, 2000; Walker, 2002; Walker 2005). The DLA official annual reports have failed to provide disaggregated data of the progress made in their land reform program in general and thus it was difficult to report on the extent to which LRAD projects transform gender relations in communities in which projects are located.

The project was not different from LRAD projects throughout the country. It offered a unique perspective because its composition had women as a majority and the Chairperson of the project was a woman, a rare case in land reform projects. Although Aida had primary schooling, she learnt a lot from her past 20 years of farm experience as a labourer in a tobacco farm, domestic worker, supervisor in a vegetable farm and timber production, a floor manager in a butchery and a seller in a market. Secondly, its implementation was different in that the project had the benefit of an intervention by an NGO in its pre-transfer stage. The Mentorship program was a rare initiative by an NGO in South Africa.

The methodologies used in the study, such as participant observation, field visits and semi-structured interviews enabled the researcher to document similar or different experiences of a woman, and identified obstacles or opportunities as result of this project implementation. Participant observation was useful in understanding the dynamics between and within family members. By participating in the field, for instance during slashing and vegetable planting, conversations between members about family issues and events gave me insight

into the power dynamics between family members, the responsibilities of the youth versus. Old, men versus. Women, and gender relations.

From these findings, generalisations based on similar experiences in other projects are made on the challenges of gender equity in land reform. Trom (2002: 165) supports this notion that although case studies cannot 'generalise statistically or enumeratively, they can generalise theoretically'. In fact, De Vaus (2001: 221) sees this as the primary purpose of a case study in that its procedures of collecting and analysing information are guided by theory. Chapter Seven in particular identified the 'power within' as internal factors. These are not reflected in policy documents. These include decisions that guide governance and control of resources within the project, and the multiple roles, and strategies employed by women in sustaining their livelihood. These identified factors also exist within and between other institutions in the land reform sector.

The study had its limitations: Because of the lengthy delay of the land transfer process, about five out of 37 members were major actors during the period of study. Although the study was initially intended to study the impact of a successfully transferred project during the commercial production, the study ended up reflecting on what 'had not happened'. However, the processes studied during this time gave insight into the struggles which the woman in the project suffered whilst securing her tenure rights from Government officials who were meant to support the process. Due to the sudden deaths of two of the active members, limited data was collected from them. Aida who was the driver of the project became the dominant informant, because she stayed on site long before the land transfer.

8.7 Case Specific

8.7.1 Aida's Confidence

Whilst this case was intended to observe a family of 37 members in action, the majority of them women, this case turned out to be about an individual rural woman, Aida, whose determination saw a lengthy, bumpy process of land transfer to the end. It is thus worth recognising her struggle through what was designed to be an easy process, especially for rural women like her. Contrary to the general perception of illiterate rural women, what perhaps differentiates this woman from others is her strong personality and confidence. It is acknowledged that her experience in farm management and business contributed to her

determination to acquire the farm. However her perseverance, her negotiation skills, lobbying mechanisms and organisational skills, coupled with the sometimes unconventional strategies of persuasion, indicate elements of assertiveness on her part. This is what other researchers refer to as the 'power' from 'within', (Oxaal and Baden, 1997). Without this power, Aida would have lost hope and given up on the process. Unlike her other family members, she persevered for four years. Aida's case has therefore challenged the popular belief that rural women are helpless because of oppressive societies they find themselves in. Aida survived an abusive husband, difficult childhood, single parenthood and finally the bureaucratic processes of acquiring land.

The following extracts from interviews are indicative of such high levels of confidence:

> *I am struggling yes, because I do not have enough food and money to support my kids. I am used to struggle, and with patience I will survive. When I get this farm I will..., it will prosper, because I am used to working hard.....ngiyatenzela mina* [I do things on my own] (Interview, 15th June 2004).

> *Abantu, Mvusy, mabecamanga ukuthi ba-poor, bayayekelela, balinda ukuthi ugovernment uzowenza konke* (when people think they are poor, they then wait for government to do everything for them).

Although in the conventional South African statistics Aida could be categorised as a poor woman, she does not regard herself poor; she acknowledges that she does not have enough resources to provide for her children. However, it can also be argued that Aida's self-confidence and experience in farming did in turn erode her relationship with the project officers and has contributed to the subsequent delays in the implementation project. Perhaps her questions and demands did not leave much room to be 'empowered' by the officials. Her confidence has certainly had positive spin-offs with other external stakeholders such NGOs, her mentor John, the project mentor, Deidreck and within her family.

Important to note is that Aida did not see the LRAD project as 'returning to her roots' or assuming her rights previously taken away by colonialists or through apartheid. She saw this as an opportunity to advance herself as an individual and also to develop her own family. While her family name would hold a title deed for the farm, it is also an opportunity for herself to advance her ambitions, that of being a commercial farmer.

8.7.2 Inactive Members

Similar to other studies, an interesting aspect of this project was that the beneficiaries of the project as outlined in the Mathebula Constitution seemed to have consented to becoming

'inactive' registered members. Out of 37 members, only 5 members were active as at end 2006. It was reported that some members, in particular the youth, did not have an interest in working on the farm in the first place. They signed the papers because they wanted to assist 'Aunt Aida'. However, the project was seen as a 'fallback' for the extended family when necessary. As reported in Chapter Six, during the planning processes of this project, it was only the members who resided on the farm who would be seen working the fields, except Gogo (Aida's mother), who is not a project member.

Aida used the bargaining power to acquire the farm and in that sense was able to afford the farm. Without the monitoring mechanisms employed by DLA, the official documents will continue to reflect 37 beneficiaries on this project in their reports without understanding they have spent R140, 000 on a household. Whereas it is acknowledged that some of the members were not interested in farm production at the time of the application, it is also known that there were unemployed members of the group at the time who would have been actively involved in the project had the project been implemented timeously. Some of the unemployed members have since found jobs and have reduced the numbers of potential workers in the farm. This could have a negative impact on the farm because Aida will have to employ people from 'outside'. She will thus be faced with all the challenges of managing farm labourers and its legal implications. Aida mentioned that the few members who were interested have since lost interest and did not trust the process any longer as a result of the experienced delay.

Unlike other development projects, inactive members of this project did not come as a result of conflict within the project as reported by TRAC-MP with similar land reform projects. With the small grant afforded to individuals against the market-related price of land, assertive women (with consent from families) could gain through LRAD. Unfortunately, the government statistics will continue to reflect skewed delivery statistics and achievements, simply because of their ignorance on the critical internal factors which influence the projects on the ground.

8.7.3 Factors Affecting Women's Access to Land

A body of literature reviewed has revealed factors which are obstructive to women's access to land "as partly legal, social, political and administrative" (Jackson, 2003). This study has however, revealed that some factors could not only be seen as obstructive, but can

sometimes be used to facilitate women's interests in land. Chapters Six in particular show how external factors have been used by the driver of the project, Aida, to facilitate ownership and access to land. These include institutional barriers, small grants afforded through programmes, overly bureaucratic processes and general failures in gender empowerment as highlighted in Chapter Six.

In addition, other internal factors including social relations, knowledge base and skills, which are not often featured in policy development, play a major role in strengthening women's capacity to manipulate and negotiate her way through bureaucratic processes so as to gain access to resources. For the purposes of this study, these factors will be categorised into constraining and enabling factors. These are tabled in Appendix 8.1 (Table A-16). The Table indicates the factors which are specific to this case study; however, a distinction is made between factors which are general to the implementation of land reform projects, and those which are general to Governments' management of projects.

8.8 Unintended Outcomes

8.8.1 The Impact of HIV/AIDS

Of the five members who were active, two have since died. Herry, the Vice Chairperson, who died earlier, left a void in the project. As Aida lamented sadly, "You know my brother died waiting for the land to be transferred. Even today I think of him. He was a fighter. I also think it was stress that also contributed to his ill health and death. Sometimes I blame the DLA for delaying this project; he would have died in peace knowing that we have finally acquired the land. He was going to drive the vehicle, fix pipes in the farm". Jane, the trainee farm manager, subsequently passed away in December 2005 and left Aida with a five-month-old baby boy. This has not only left Aida as the sole Farm Manager, but has also left her with the extra burden of raising Jane's three children, including the baby who stays with her.

While HIV/AIDS had an impact on this particular project, it could be argued that it does have an effect on land reform projects in general. Reflecting on Aida's case, at the beginning of the project, she was a bread winner with a support base, a future trained farm manager and Herry as a technician and a driver. Within four years she was left on her own in the farm with the prospect of appointing external labour to fulfil those roles.

8.8.2 Career Path Delayed

Since Herry's death, Sydwell who had a secure job with the Dros Restaurant; albeit temporary, had since resigned in order to assist Aida on the farm. Sydwell mentioned that he can see the project will be helpful for his family, but he did not want to focus on it. His dream is to become an Engineer (Interview, 23rd April 2005). He is planning to go to school and improve his Mathematics and Science grades so as to qualify to register for a Diploma. This means that Sydwell's dreams might have to be postponed for at least a year until the project is stable. His savings for school assisted in paying for his late sister's children and siblings' fees in 2006, because he could not afford to go back to school, leaving his mother with a responsibility to own the farm by herself.

8.8.3 Relations with Officials

Because of the delayed process, Aida's relationship with some Government officials had eroded. There were some officials who professionally managed her interactions, but the ones directly involved in the project had perceived her frustrations as personal attacks. This is true of the DLA, DoA and the Land Bank officials in particular, due to the legal, media and persuasive tactics which Aida used during these processes, as discussed above. While other officials at DLA agree that the process took much longer than anticipated, they also think that Aida's tactics were uncalled for, "especially the one of stripping in the office" (Mampho Malgas, 27th March 2006). There is the possibility that Aida's experience has been shared among beneficiaries and communities she interacts with. This could potentially cause reluctance among members of the project as well as other potential beneficiaries of LRAD connected to Aida in approaching pDLA for the fear of going through similar experiences and eroding their relationships with officials.

8.8.4 Gender Equity Goal Questioned

On several occasions during the period under study, Aida questioned the DLA's commitment particularly by DLA's female officials and of 'encouraging women to acquire farms'. As showed in the previous chapter, most people who were instrumental in making progress during these processes were mainly men. This includes John, the DoA official, the lawyer, the MMMPP mentor and subsequently the MMMPP coordinator. Her experiences with both project officers from DLA, DoA and Land Bank who were women did not make

any positive impression. This has very serious implications, in particular for institutions which simply employ women as gender coordinators with the assumptions that all women have women's interests at heart and ignore the class, age and education differences among women as factors which can have a negative consequence in their interactions. Whilst this situation can be interpreted as being unique to this project, unfortunately this behaviour has the potential to undermine the gender equity goal of DLA and that of women's empowerment in general.

8.9 Development Challenges in South Africa

This section summarises the general lessons from this research study which apply to the development challenges that South Africa faces in this era of implementation of policies. This study identified several problems in the implementation of the LRAD programme in general and problems in addressing women's specifically. These problems suggest policy implications. Firstly the fact that land reform projects are targeted designed for poor rural 'community' projects is problematic by design. This is based on the fact that rural communities are not stable. People in these communities are mobile; those that are unemployed, in particular, the young adults who move away from their families to urban areas to seek jobs. Inaccessibility to basic resources in rural areas and job opportunities has forced the unemployed to find jobs in cities further away from their homes leaving the elderly and the sick with children to fend for themselves. This is particularly the case in the South African context. Secondly, as revealed by this study, the young unemployed people do not consider farm management and rural development in general as option for career growth, unless otherwise they are trained to do so, like Jane in this study. Even when they are qualified, they prefer to rather be employed in government agencies than to run their own farms. This is reflective of the South African society in general, where youth are lulled into exploring scarce career opportunities such as technology and science. In this study, the number of inactive youth who were in any case not interested in the project is indicative of the typical instability prevalent within communities. Thirdly, the study confirmed the earlier findings that land reform projects alone are not enough to advance social development (Walker, 2005). While the land reform project offered benefits for training and capacity building, beneficiaries need greater support from the state beyond what any particular technical project can offer. The multiple roles of rural women in any particular

setting, such as caring for their young ones, the elderly and the HIV/AIDS orphans means that rural women have to rely on a variety of livelihood strategies to survive. These include planting food, income from social grants, access to health services, education facilities, etc. These roles require a daily routine of women to move from one place to the other; this impact on the running of the projects. This means the fundamental goal of LRAD's commercial agricultural operations is not suitable for the rural poor women, if such critical services are not readily available.

With regards to the extent to which the LRAD programme transformed gender relations at different levels (within household, family, community and market), the findings from this project unfortunately do not offer any positive contribution. As stated earlier, the poor conceptualization of gender from policy formulation transcends the implementation of the policy. At community level, any attempt to deal with gender issues goes as far as the one day gender workshop organized in preparation for the establishment of the CPA. Beyond that, the officials as reflected from this study "are reluctant to put pressure on communities to involve women in local structures", all they can do is mere 'encouragement' that women are nominated (Nkosi, Interview April 2006). Secondly, as correctly pointed out by the officials, 'gender is not a mandate of the department' and is not reported on in progress reports. This scenario does not encourage officials to put effort in the transformation of gender relations within projects, and thus land reform projects do not meet their gender equity goal beyond women representatives within local institutions (CPA in this case). With that little intervention at community level, it is highly unlikely that the impact can transcend to household, family and market level. Secondly, the fact that gender equity goals are not accounted for in official documents is indicative of the low priority given to gender equality within the DLA. For a start, the DLA needs to provide quantitative indicators of how many individual women have benefited from all land reform programs, before qualitative measures on the impact of land reforms could be assessed. Without the available gender disaggregated data, the DLA has not met its international and Constitutional commitments it has set itself to achieve.

The findings of this case study are similar to experiences of women documented with other land reform projects in South Africa and other development projects in general. Relevant research findings in South Africa are documented by Govender Van Wyk (1999), Meer (1997), Claassens (2005), Walker (2002), (2005), and Weidemann (2006). Similar case

studies have been reported elsewhere by WLSA (2001), Walker (2002), Kwangwari (2003). It may be argued that the findings are applicable not only to the land sector, but also to other sectors and the private sector that are currently battling with social responsibility or rural development projects with similar objectives. Similarly, the agency as portrayed by the Chairperson of the project (who is also the leader) could present lessons for individuals and groups in rural communities (associations, projects, etc) who wish to engage with 'outsiders' (NGOs, government agents, etc.) in the development sector.

A trend prevailing in all these cases confirms Ferguson's (1990) view on development projects. In general, development projects are not developmental in their approach, but instead 'entrench power relations of the state'. In simple terms, Ferguson argues that development projects are designed to fail, so that the ongoing intervention from the state (and the international donors) is justified. According to Ferguson, there are three fundamental generalisations which can be made about the experiences of development projects in several countries. Firstly, what is most general about the development projects in any given context is the 'shared, context independent development expertise' often associated with delivering 'development' in countries. The dependency of development projects on a 'small interlocked network of experts', technical project planners have been widely observed in several countries such as Kenya, Zimbabwe, Tanzania and South Africa (Ferguson, 1990:258). Secondly, the institutionalisation of development initiatives is quite similar. Programmes come as a 'package' of inputs with similar intended outcomes. As Ferguson puts it, 'plans that call for non-standard, unfamiliar elements are more difficult for a large 'routinised' bureaucracy to implement and evaluate, and thus are less likely to be approved. The development of this project's business plans and legal entity is indicative of the standardised formats often adopted for development projects. The wide use of these standardised approaches within the development sector makes it easier for the implementing agencies to conform to the government specifications. Lastly, the development language and the reasoning behind the development discourse used are similar in different contexts. In South Africa for instance, concepts of 'empowerment', 'capacity building', 'economic and social transformation', and 'decentralisation' have polluted the development goals in policies and programmes. Ferguson terms this as similar 'dev-speak' and 'dev-think'. As stated in Chapter One, the development of land reform programmes and, specifically LRAD, fell into the same trap. The development of the Land Policy in South Africa as discussed in Chapter Three is indicative of the 'cut and paste' of policies

advocated by the World Bank similar to other African states. So in a sense, the general findings (failures) of this project, as discussed above are not unique to this project but are almost a repeat of lessons learnt from other countries over the decades — as the Lesotho case study has shown. In essence, Ferguson analyses the decentralisation and integration attempts to development as political manoeuvrings and thus cannot be divorced from the bureaucracy nature of the state. He rather perceives this as "an entrenchment of power" (ibid: 255) by the state

Ferguson's analysis of the development projects offers another perspective. He suggests that what may be important in analyzing projects is not so much what "it fails to do, but what it does do" (Ferguson, 1990:254). He further contends that it is the "political effects" of these interventions which should be questioned. The fact that development projects fail should not be seen as "any kind of conspiracy", but it is the way they are supposed to be (ibid). He refers to this phenomenon as the 'anti-politics machine'. In this way, the more the projects fail the more attention, interest and support they continue to attract; thereby, entrenching the political agenda of the development discourses.

8.10 In Summary

With the support of the family, the aid of John her mentor, an NGO and a lawyer, Aida made correct decisions in order to secure her farm. The findings of this study confirm Nemarundwe's earlier research which asserts that programs which portray women as "disadvantaged groups in decision-making processes lack detailed analysis of daily lives, struggles and negotiations that characterise various social interactions of women and men in rural contexts" (Nemarundwe, 2003:178). Aida in this case has used her informal networks, without the assistance of the government officials, to her advantage. Without these, it is doubtful whether her reliance to government alone would have secured her tenure rights. Her previous experience of the first 'aborted' farm provides evidence of how external support is crucial (for women in particular) in engaging with government officials. The study therefore suggests that it is imperative that women should assert themselves in these environments and refrain from succumbing to the dominance of men and women (in particular officials) in land-related matters. As Mann (2000:38) asserts, women could become 'active participants and drivers in their evolution, rather than recipients'. In this study, Aida demonstrates several ways in which women could take advantage of

opportunities created through such reforms. As Meer (1999:87) correctly pointed out "unless the intended beneficiaries of land reform become agents able to pursue and advance their interests, the policy goals of social justice and gender equity' will not be realised.

In general, the findings of this study has also shown that rural women with interest, enthusiasm and basic skills in farming can benefit from the land redistribution program provided proper guidance and support from a variety of institutions is afforded. Whereas Aida's confidence cannot necessarily be wholly attributed to the implementation of the LRAD project, there are benefits accrued from the interventions of some institutions through this project; specifically, the role played by TRAC-MP, the lawyer, her social network and family support. These include exposure to various training opportunities, field visits to other projects, informal gatherings, access to information through communication, constant support and advice, and legal intervention.

The researcher acknowledges that these benefits cannot be afforded by one institution or implementing agency. As this case study has proven, the role played by these institutions (government and civil society organizations) is complementary and thus there is a need to strengthen capacity and resources of civil society in implementing government initiatives. As indicated in this study, TRAC-MP had a pivotal role to play in the implementation process not only through the mentoring programme it offered, but also in putting pressure to DLA and the Land Bank to expedite the processes. It is recommended that a review (preferably facilitated by government) should be made to clarify and also map the different but complimentary roles (in particular to support women) which should be played by different institutions in the land sector. This will ensure effective and efficient implementation of the land reform programme. In addition, a monitoring and evaluation of the implementing institutions is critical so as to ensure that beneficiaries are protected. Who and how this assessment should be done is an area which is beyond the scope of this study.

A unique feature of this project is the fact that during the study period, there was no evidence of the cause of tension among members; it was clear that the family relied on Aida to make decisions about the running of the project since it was established through her own struggles and negotiations. As discussed above, to some extent, the CPA has the potential to provide opportunities for accessing land if the bureaucratic requirements could be effectively managed. An advantage enjoyed by these project members, albeit the challenges experienced in this project, was the introduction of this training prior to the transfer of land.

Other projects that were part of the training were already busy with their operations at the time. This meant that the Mathebula project had some time to reflect on lessons learnt and were also exposed to challenges faced by other projects in advance of the commencement of their operations.

Whereas the productive period of the project did not fall within the time frame of the study — at end of 2006; yet, Aida having started with poultry production was able to repay the monthly instalment to the Land Bank. The researcher acknowledges similar documented experiences by South African researchers. These include work by Cross and Hornby,2002; Walker, 2003, 2005; Ndatshe,2003; Claassens 2007).

This particular study, together with other case studies already documented to date in South Africa provides evidence that not all women have the same exposure and capabilities. While legislation and policies offer legal framework, women in general need constant support, advice and information to reach a certain level of independence. With some training and structured interactions coupled with experiential learning, some women are able to operate and run the farms as businesses on their own with minimal guidance, without a burden of a 'community' to make decisions. These include poor rural women. So it is problematic for the policy to group all poor rural women as the same.

Thus the policy needs to specify beyond the class of rural women and put in place programmes which will benefit women who have some level of exposure in business and farming. Secondly, policies should take into account the different livelihood strategies and roles played by women in their communities. To target 'poor rural women' in policy imperatives without specific categories is a bit short sighted. This study supports Claassen's (2007) view that a 'one size fits all' approach to empowerment of rural women is not appropriate. At the same time, monitoring mechanisms of the local level institutions such as CPAs and trusts developed through the *CPA Act* should be instituted. This will ensure that the rights of the land reform beneficiaries (specifically those of women) are protected whilst also capturing the impact of the overall programs on the ground.

Finally, the author recommends that similar land reform case studies (such as the Mathebula project), which offer qualitative analysis of projects, need to be documented so as to provide an in-depth analysis of the impact of the land reform on rural livelihoods. Specifically, the role played by women in asserting themselves in conditions they find

themselves in should be extensively documented. These cases will not only raise policy issues for enhancing development initiatives, but will also highlight theoretical assumptions and contribute towards academic knowledge base which will inform policy development and the broader knowledge of gender discourse.

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APPENDICES

APPENDIX 1.1 - Constitutional Anti-discriminatory Clauses

COUNTRY	CONSTITUTIONAL CLAUSE
Botswana	*Section 15*: specifies that there will be no discrimination on the basis of gender
Lesotho	*Section 18*: states that discrimination shall not apply to any law to the extent that that law makes provision for the application of the customary law of Lesotho with respect to any matter in the case of persons who, under that law, are subject to that law; (5) nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) to the extent that it makes provision with respect to standards of qualifications (not being standards of qualifications relating to race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other social status
Zambia	*Section 23(4):* provides that Clause 1 shall not apply to any laws so far as that law makes provision, with respect to adoption, marriage, divorce, burial devolution of property on death or other matters relating to personal law
Zimbabwe	*Section 23*: allows discrimination in the area of customary law, family law and other areas of personal life like marriage, divorce or inheritance
Malawi	Provides principles of international law to apply , no qualification of equality clause
Mozambique	No qualification of equality clause
South Africa	*Section 9*: states that equality includes the full and equal enjoyment of all rights and freedoms. *Section 25 (5)*: obliges the government to redress inequities in access to land in South Africa *Section 25(6)*: states that a person or community whose tenure of land is legally insecure as a result of past discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress

Table A.3: Constitutional (Anti) Discriminatory Clauses of Southern African Countries (WLSA (2001:38), SA Constitution (1996))

APPENDIX 1.2 - Land Reform Laws

LEGISLATION	PURPOSE
The Upgrading of Land Tenure Rights Act,112 of 1993	Provides for the upgrading of the various forms of tenure
The Provision of Land and Assistance Act 126 of 1993	Empowers the Minister of Land Affairs to acquire land and provide development assistance for the redistribution of land and for security of tenure to occupiers of land belonging to someone else
The Provision of Certain Land for Settlement Act, 126 of 1993	Provides for the designation of land for settlement purposes and financial assistance to people acquiring land and for settlement support
The Restitution of Land Rights Act, 22 of 1994	Provides for the restitution of rights to land to those dispossessed of land in terms of racially-based policies of the past
The Land Administration Act, 2 of 1995	Provides for assignment and delegation of powers to the appropriate authorities
The Development Facilitation Act, 67 of 1995	Introduces measures to speed up land development, especially the provision of serviced land for low income housing
The Land Reform (Labour Tenants) Act, 3 of 1996	Provides for the purchase of land by labour tenants and the provision of subsidies to this end
The Communal Property Association Act, 28 of 1996	Enables communities or groups to acquire, hold and manage property under a written constitution
The Interim Protection of Informal Land Rights Act, 31 of 1996	Protects people with insecure tenure from losing their rights to, and interest in land, pending long-term reform measures
The Communal Land Rights Act 11 of 2004	Protects rights and secure land tenure of people who use and occupy communal land
The promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000	Protects people from all forms of discrimination on the grounds of gender, race and disability

Table A.5: Land Reform Laws (DLA, (1997:35), (2005a:21)

APPENDIX 1.3 Total Land Redistribution (1994-1999)

YEAR	HECTARES	BENEFICIARIES	NO. OF PROJECTS	NO. OF HOUSEHOLDS
1995	11 629	1 819	1	245
1996	60 120	5 068	29	4977
1997	139 849	10 259	39	7133
1998	229 009	15 995	90	7609
1999	239 764	24 900	86	6390
Total	**752 027**	**59 045**	**245**	**26 354**

Table A.1: Total Land Redistribution Per Year, 1994-1999 - (Sources: Jacobs et.al. (2003) and May, et.al (2000)

APPENDIX 1.4 Comparison of SLAG and LRAD Programs

	SLAG	LRAD
Objective	• Poverty Alleviation • Emphasis on land and settlement acquisition	• Promote Black Economic Empowerment • Emphasis on commercial agricultural development
Target Group	Poorest of the poor	Emerging commercial black farmers
Beneficiaries	Households	Individuals
Own Contribution	Zero	Minimum R5, 000
Grant	R15, 000 – R16, 000	R 20, 000
Leveraging Potential	Grant dependant	Able to access co financing through commercial loans
Programme	Redistribution Tenure reform	Redistribution

Table A.2: Comparison of SLAG and LRAD Projects[27]

APPENDIX 1.5 - LRAD'S Policy Limitations

No positive mechanism to ensure that more women, the unemployed and the very poor can participate

- Volume, location and the price of land is determined largely by current owners
- Design of projects remains in the hands of private consultants
- Major new responsibilities are allocated to provincial departments of agriculture, with no new commitment resources
- Approval criteria is even more weighted towards commercial production than before, with little acknowledgement of the importance of part-time farming as part of a survival strategy for millions of poor households
- No explicit role is allocated to local government, despite official emphasis on the importance of the third tier of government in the delivery of services
- Integration between different legs of land reform- tenure, redistribution and restitution- remain un-addressed, as do links between land reform and wider aspects of rural development

Figure A.1: LRAD'S Policy Limitations (extracted from Lahiff 2001)

APPENDIX 2.1 - Rural Peoples' Charter (1999)

Rural development should enable the economic empowerment of rural women by:

- Increasing access to credit, markets, and financial services;
- Providing information and skills training for economic empowerment;
- Developing special job creation to target rural women;
- Recognising rural women's labour as a national resource.

Rural development should prioritise rural women's access to key resurces, including independent rights to land and access to water, electricity and telecommunications, health care and social benefits - in particular the following:

- Provide 24 hr mobile health services;
- Make AZT available to rape victims and pregnant women;
- Pension pay points must be accessible and user friendly;
- Review the States Maintenance Grant13 and;
- Provide information on women's rights, simply and continuously.

Rural women must have security from all forms of violence through:

- Transformation of service provision;
- Speed up implementation of the law on customary marriages;
- Monitor all forms of atrocities, and;
- Institute help line and provide crisis centres for rural women in distress.

Capacity building for rural women is needed so that they can create jobs, and be empowered to monitor their own projects.

- Government must compel commercial institutions to open branches and lend to rural people;
- The policy must also address high interest rates, the Land Bank, Metro investments, cooperative credit unions and women's access to finance;
- Indigenous (local) knowledge, skills and resources in rural areas must be recognised and developed.

Figure A.2: From the Women's Liberation and Economic Freedom: Rural Peoples' Charter (1999)

APPENDIX 2.2 - Women's Demands

- Women should be able to own land whether they are married or single. Women and men should have the same rights to land. Married couples should have their houses registered in the names of both spouses
- Women should have equal representation on local government and other decision-making structures affecting their lives, including traditional authorities.
- There should be no discrimination against women in inheritance rights.
- Women should benefit from development programmes and be targeted for training. There should be special training centers and adult education courses geared for women.
- Women living on farms must have secure places to live. There should be special housing subsidies for women who cannot afford to buy houses or pay rent. Housing subsidies must be introduced to assist women who are single parents.
- Land should be set aside for community facilities that benefit women, such as creches15, community gardens and women's training centers. Women and children must have places to go if they are abused
- Rural development plans, especially job creation and skills development programmes, must prioritise the needs of women and must include adequate means of monitoring their actual impact on women.
- The quota system of affirmative action 16 should be imposed on tribal authorities and other rural structures, and tribal laws and practice that oppress rural women should be reviewed.

Figure A.3: Women's Demands (From the Landless Peoples Charter (2001))

APPENDIX 3.1 - Land and Gender Policies of South Africa

COUNTRY	LAND POLICY	GENDER POLICY
Botswana	*Tribal Land Act, 1968*	- Boards allocate land irrespective of gender
Kenya	*- Swynnerton Plan, 1954* *- Land Commission review ,1999*	- Individual rights and titling
Lesotho	*- King and traditional leaders administered land, 1963* *- Policy review, 1986/7, 1999* *- White paper on Land Policy, 2001*	- Women legal minors - discrimination against women abolished - individual titling, on merit
Malawi	*- Alienation and registration of customary land, 1967* *- Draft National Land Policy, 2000*	- Equal rights for men and women - All children entitled to inheritance equally
Mozambique	*- Land nationalised, 1975* *- New Constitution, 1990* *- New Land Law, 1997*	- Women had equal rights - women had rights
Namibia	*- Agricultural (Commercial) Land Reform Act, 1995* *- National land Policy, 1998* *- Communal land Reform Bill, 2001*	- Household as land holding unit - Women representatives on the Boards
South Africa	*Land Policy, 1997* A variety of Acts	- Gender Policy , 1997 (women representatives in legal entity committees) - LRAD Policy, 2001 - women as a target group (30%)
Tanzania	*National Land Policy, 1997* *Land Act and Village Act, 1999*	- 'ambiguous' - men and women have equal rights - one third of Village Council should be women - interests of women and other groups should be protected in Village Committees
Uganda	*Land Reform Decree, 1975* *National Land Act, 1998*	- gender neutral - Women's rights protected in the Domestic Relations Bill, 2001

COUNTRY	LAND POLICY	GENDER POLICY
Zambia	- *Land conversions of title Act, 1975* - *Land deeds registries Act, 1994* - *A new land Act, 1995*	Gender-neutral 10% of all advertised plots allocated to women, 1999
Zimbabwe	- *Lancaster House Agreement, 1980* - *National land Policy, 1990*	Women prevented from inheriting property according to customary law

Table A.4: Land and Gender Policies of Southern and Eastern African Countries (Walker, 2002)

APPENDIX 5.1- Map of South Africa

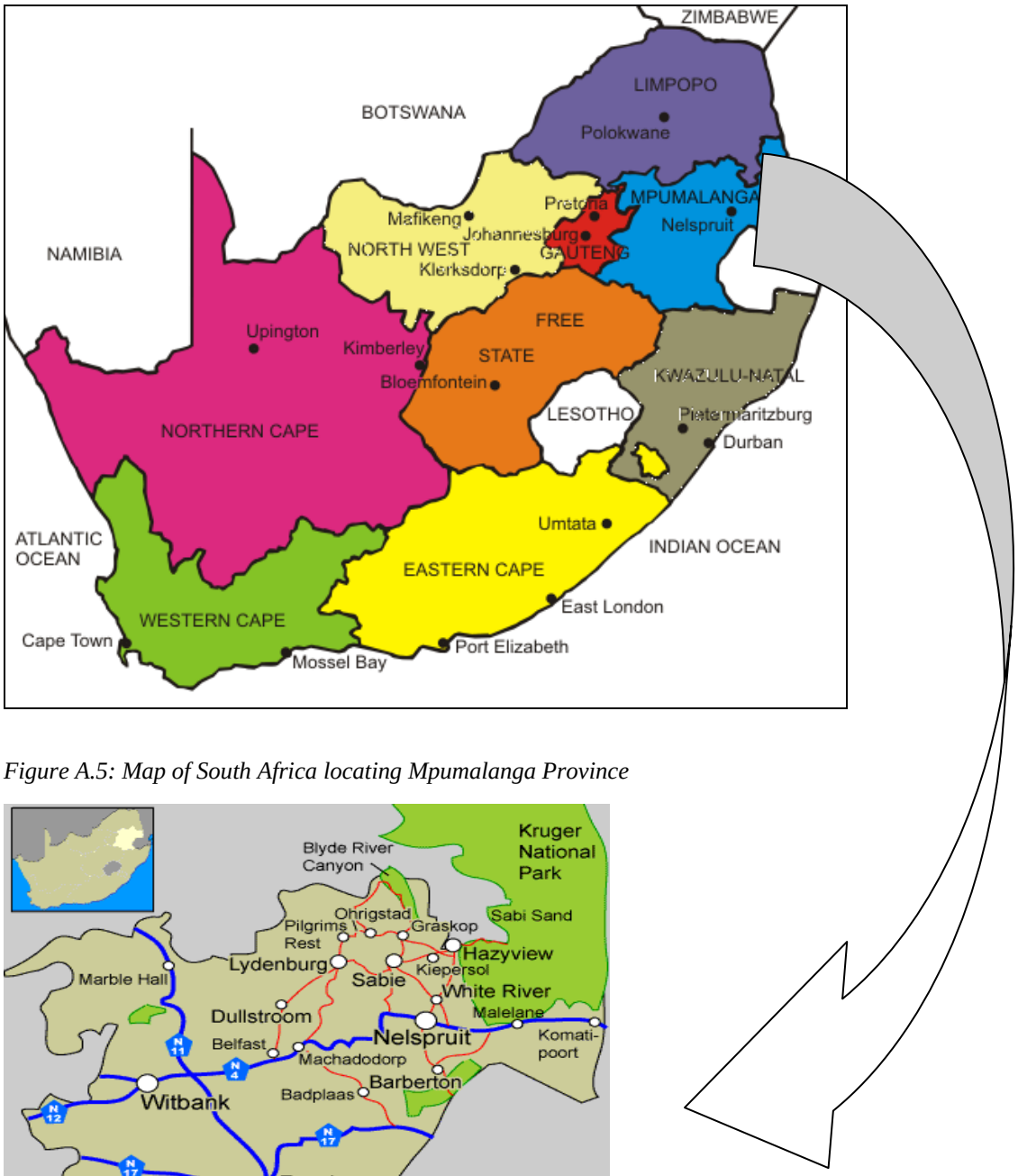


Figure A.5: Map of South Africa locating Mpumalanga Province

Figure A.6: Map of Mpumalanga Province

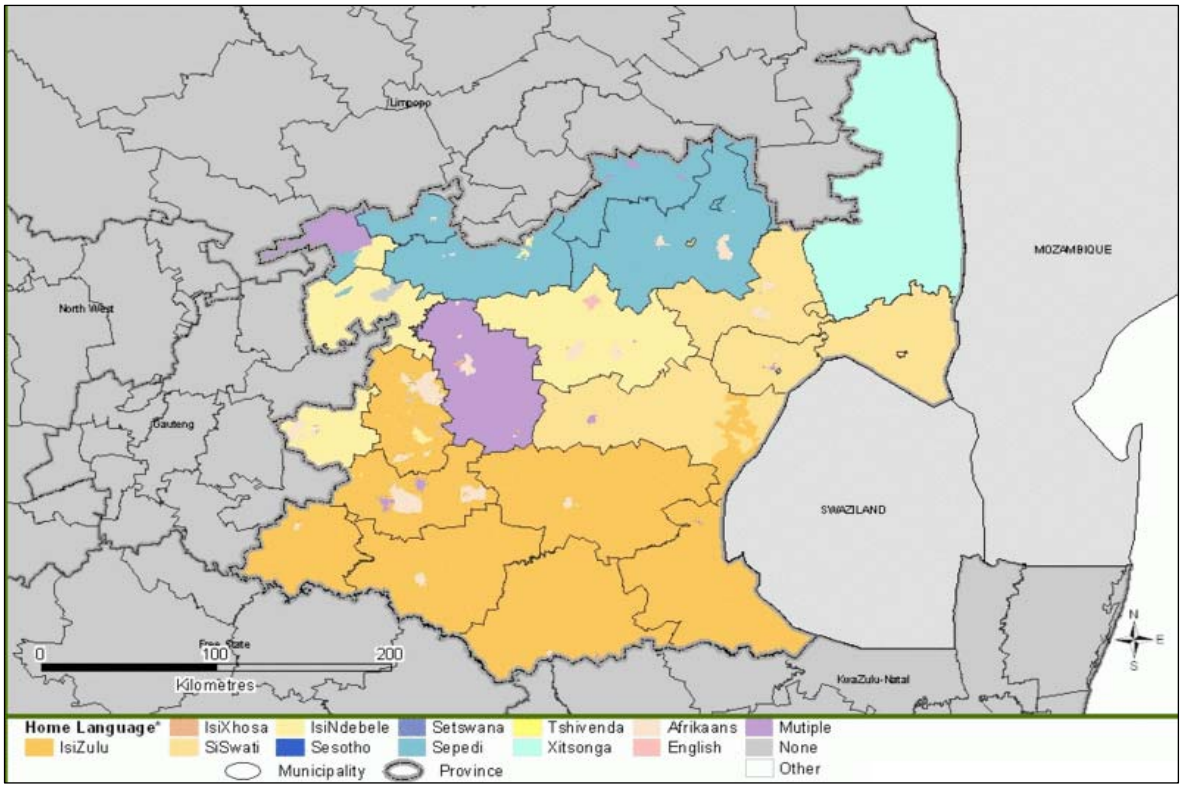


Figure A.7: Mpumalanga Province Language Distribution – (Source Statistics SA, 2003)

APPENDIX 5.2 - Aida's Residence



Figure A.8: Aida's residence (Photos of dwellings on the farm (April 2006)



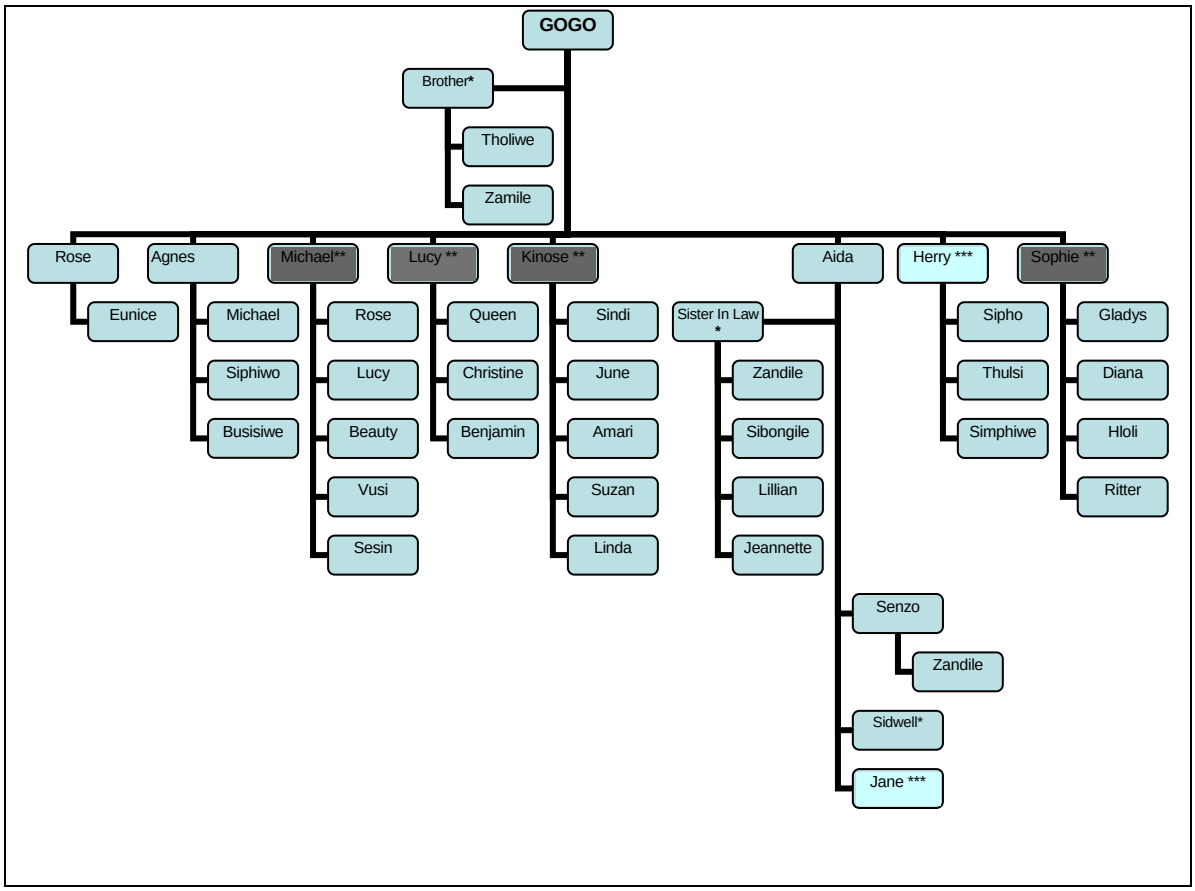
Figure A.9: Broiler house

APPENDIX 5.3



Figure A.10: Aida

APPENDIX 5.4 - Mathebula Family Tree



* - non member who later became active
** - deceased as at the start of the project (2003)
*** - members who died later (from 2005)

Figure A.11: The Mathebula Family Tree

APPENDIX 6.1 – Application as Family Trust

MPUMALANGA PROVINCIAL GOVERNMENT

Drum Rock Complex
On R40 Between Nelspruit &
White River
Nelspruit 1200
Republic of South Africa

Private Bag x 11219
Nelspruit 1200
South Africa
☎(013) 7594117
International Tel: (+27) (13) 7594117
Fax.:📠 (013) 7594075
International Fax.:(+27)
(13)7594075

DEPARTMENT OF AGRICULTURE, CONSERVATION & ENVIRONMENT

LOWVELD REGIONAL SERVICES

Litiko Letekulima.
Kongiwa Kwemvelo,

Department van Landbou,
Bewaring en Omgewing

Umnyango Wezokulima
Ukutlhogonyelwa kwemvelo

Netendzawo

Nebhoduluko

Ref: LRAD Screening Committee 08.11.2001

The Director
Department of Land Affairs
Nelspruit
1200

Att: Ms. Mampho Malgas

RE: LRAD APPLICATION FOR THE PURCHASE OF KATOEN 278, PORTION 7
SELLER: HYLTON & PAUL FAMILY TRUST
PURCHASER: MATHEBULA FAMILY FARMING TRUST

1. The above matter and enclosed documentation refers.
2. There are 37 beneficiaries to the project.
3. The cost of the farm is R7~~8~~3 000.00 and will be financed as follows:
   - **R740 000.00 grant**
4. This project has been submitted to the Lowveld Screening Committee for consideration and it was found to be viable.
5. The farm is therefore recommended for purchase.

Regards

[illegible] LOWVELD SCREENING COMMITTEE

APPENDIX 6.2 – Receipt of Application

DEPARTMENT: LAND AFFAIRS
REPUBLIC OF SOUTH AFRICA

MPUMALANGA PROVINCIAL LAND REFORM OFFICE
LOWVELD DISTRICT OFFICE

Private Bag x11329, NELSPRUIT, 1200 – Tel (013) 752-2064, 752-2066, 752-2089, 752-7522 Fax (013) 752-2079

Enquiies: Mr. W. Ndhlovu
September 19, 2001

Mathebula Family Farming Trust
P.O. Box 3479
White River
1240

Attention: Aidah T. Mathebula

RE: ACKNOWLEDGEMENT OF APPLICATION FOR ASSISTANCE IN BUYING A FARM

This is to acknowledge receipt of your application for assistance in buying a farm. Please be informed that your application has been forwarded to the Department of Agriculture.

The Department will communicate with you for the development of your application.

Thank you,

Mampho Matlas
Deputy Director: Lowveld (Ehlanzeni) Office

APPENDIX 6.3 – Letter of Lawyer to DLA

M.E. Mazibuko Attorneys

Attorneys | Third Party Mediators | Administrator of Estates

VAT: 423 018 8890

PO Box 451
Docex 1
White River
1240

Suite 5, 1st Floor
Strydom Spar Building
William Lynn Street
White River, 1240

Tel: (013) 750 1985
(013) 750 0478
(013) 750 1119
Fax: (013) 751 1656

Our Ref: P. Luhlanga / M710
Your Ref: Fundi Xhakaza

7 March 2002

Department: Land Affairs
Mpumalanga Provincial Land Reform Office
Lowveld
Nelspruit, 1200

By Fax 752 2079

Attention: Fundi Xhakaza

Dear Madam:

RE : Application for assistance in buying a farm
APPLICANTS : Mathebula Family Farming Trust

We refer to the above matter as well as yesterday's (6th March 2002) attendance at your office between yourself (Fundi Xhakaza) and our Mr Luhlanga.

We confirm that the 18th of March has been set (provisional) by your office for the sitting of the committee responsible for the assessing and acceptance of our client's project. Kindly take note that we also took the trouble of consulting with Abey, at the Department of Agriculture, who assured our office that by the 18th of March 2002 the Business Plan would be ready and simplified for an easy and effortless understanding to almost everybody involved.

Trust the above is in order.

Yours Faithfully,

M.E. Mazibuko
Per: P Luhlanga

KINDLY QUOTE OUR REFERENCE NUMBER AT ALL TIMES

APPENDIX 6.4 – Letter of Lawyer to the Farm Owner

M.E. Mazibuko Attorneys

Attorneys | Third Party Mediators | Administrator of Estates

VAT: 423 018 8890

PO Box 451
Docex 1
White River
1240

Suite 5, 1st Floor
Strydom Spar Building
William Lynn Street
White River, 1240

Tel: (013) 750 1985
(013) 750 0478
(013) 750 1119
Fax: (013) 751 1656

Our Ref: P. Luhlanga / M710
Your Ref: Elbie Lategan

7 March 2002

Rainbow Properties
White River
1240

By Fax 750 0324

Attention: Elbie Lategan

Dear Sir or Madam:

RE : Grant, Purchase Portion 7 of Katoen 278 White River
APPLICANTS : Mathebula Family Farming Trust

We refer to the above matter as well as your letter dated the 14th of February 2002.

Kindly take note that our office had an appointment with the Department of Land Affairs yesterday (6th March 2002) in order to secure the purchase price. We were informed by the Land Affairs Department that the 18th of March has been set (provisional) by them for the sitting of the committee responsible for the assessing and acceptance of our client's project. Kindly take note further that the Department indicated that if they accept our client's project, they would buy the Farm on behalf of our clients.

In the meeting we had with the Department, it transpired that some individuals within the Department were not doing what they are paid for and consequently delaying the whole deal. We then commit ourselves in ensuring that those individual carry on their duties as is expected of them. In the meantime kindly inform your client, the seller, to kindly bear with our clients as they await the Department's decision.

Trust the above is in order.

Yours Faithfully,

M.E. Mazibuko
Per: P Luhlanga

KINDLY QUOTE OUR REFERENCE NUMBER AT ALL TIMES

APPENDIX 6.5 : GRANT APPROVAL PROCESSES

DATES	ACTIVITIES
September 2001	Application submitted to pDLA
19th September 2001	Acknowledgement of receipt of application received from pDLA
8th November 2001	LRAD Screening Committee recommended approval to purchase of the farm
25th January 2002	Letter from DLA to department of Agriculture requesting agricultural potential evaluation
8th February 2002	The PPAC Request for the registration approval of the Mathebu;la Family Trust
March 2002	The Project Identification Form was completed
19th March 2002	Request to PPAC for Project approval of the Mathebual Family Farming Trust
27th March 2002	Request to Provincial Tender Committee to approve terms of Reference for appointment of a consultant for business plan and legal entity
24th June 2002	Peter Bristow appointed to evaluate the farm
10th July 2002	Application to Provincial tender Committee to approve terms of Reference for appointment of a consultant for business plan and legal entity (2nd doc)
26th February 2003	Screening Committee (Dept. of Agriculture) approved grants allocation
22nd March 2003	Celebratory feast for grant approval on Mathebula farm
April 2003	Letter of approval of planning grant received from DLA

Table A.7: Time Frame of Planning Grant Approval

THE LEGAL INTERVENTION

DATES	ACTIVITIES
6th March 2002	Lawyer met pDLA official
7th March 2002	Letter to DLA from lawyer
18th March 2002	The 1st promised date for submission to PPAC for planning grant approval
February 2002	Aida approached a lawyer (Mr. Mazibuko)
9th April 2002	The 2nd promised date of submission to PPAC for planning grant approval

Table A.8: Legal Intervention

APPOINTMENT OF THE CONSULTANCY AND ITS ACTIVITIES

DATES	ACTIVITIES
6th August 2002	Planning agents invited for presentation
8th August 2002	Selection of MAFA Training and Development as a planning agent
23rd August 2002	Recommendation to Provincial Tender Committee to approve MAFA to compile a Business plan and Legal entity (R66, 600.00)
31st August 2002	Submission to provincial tender Committee to approve appointment of MAFA
31st October 2002	Memorandum to approve appointment of Mafa Training and Development to Provincial Tender Committee
9th December 2003	A quotation of R29 940 for the formation of legal entity and draft of business was approved by DLA
February 2003	Business plan approved by DLA Invoice(R29 940.00) paid to MAFA for drafting business plan and legal entity for Mathebula Communal Property Association
April 2003	Gender workshop conducted
6th April 2003	Constitution adopted
22nd April 2003	Aida distributed constitution to members

Table A.9: Time Frame Indicating Processes of Development of DLA Business Plan and Formation of Legal Entity of the Mathebula Project

THE LAND TRANSFER

DATES	ACTIVITIES
28th August 2001	Offer to purchase to the seller
19th September 2001	DLA acknowledged receipt and referred applicant to DoA
15th July 2002	Faxed letter from Charmaine (farm owner to Land Affairs giving ultimatum until end July 2002 to sell property
8th August 2002	Sales Agents issues letter of confirmation to DLA confirming approval of the sale
28th January 2004	Status report indicate project will be transferred subject to funding
11th February 2004	State agent faxed property sale documents to be signed by the beneficiaries
24th February 2004	Beneficiaries signed property sale documents
4th March 2004	Signed Property documents faxed back to agents
7th May 2004	State Agent requested a list of documents from DLA
18th May 2004	DLA sent registration copy, certified copies of ID of signatories and list of committee members to sales agent
31st May 2004	State agent sent Declaration by Purchaser, Resolution Extract, and Instructions to invest trust moneys documents to be signed by beneficiaries to DLA
10th June 2004	Documents signed by beneficiaries
14th June 2004	Invoice for [payment received from Estate Agents
6th July 2004	Entity Maintenance Forms and Proforma Account received from agents
14th July 2004	DLA acknowledged letter, confirmed payment within 7 days and requested transfer to happen
20th August 2004	Estate Agent confirmed registration of transfer and final statement of account
25th August 2004	Letter from DLA to beneficiaries informing them of the transfer
4th September 2004	Aida received the Title Deed

Table A.10: Documentary Evidence of Land Transfer Processes (Mathebula Project File: DLA)

ACCESSING LOAN THROUGH LAND BANK

DATES	EVENTS
By April 2004	Application submitted by beneficiaries
A week later	Valuation of property by bank officials
By June 2004	R200, 000 business plan submitted and rejected
1st July 2004	Deidreck Mogoru resigned as a mentor
By July 2004	New business plan developed
By August 2004	R110, 000 business plan submitted to the Land Bank
15th August 2004	Bank official visited the farm
By December 2004	Title deed submitted to the bank
By March 2005	Bank approved R110, 000
18th May 2005	Money available and could not be released due to some members' incredibility
By June 2005	Resolution signed by new Committee with bank
14th July 2005	Aida's interview with press
17th July 2005	Press release
20th July 2005	Committee signed papers with Bank
9th August 2005	Submission of quotes and release of funds
16th August 2005	Suppliers paid by the Bank

Table A.11: Table Milestones of The Mathebula Project in Accessing Loan Through The Land Bank

APPENDIX 6.6 –Business Plan of Mathebula CPA

DEPARTMENT OF LAND AFFAIRS

MPUMALANGA PROVINCE

BUSINESS PLAN

For the Mathebula CPA
Katoen 278JT

FEBRUARY 2003

MAFA TRAINING & DEVELOPMENT CONSULTANCY

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13. ANNEXURES

ANNEXURE A: Photographs of Community in KATOEN FARM
ANNEXURE B: Mathebula CPA Membership List
ANNEXURE C: Social Assessment Questionnaire

LIST OF ABBREVIATIONS

CPA - COMMUNAL PROPERTY ASSOCIATION

MCPA - MATHEBULA COMMUNAL PROPERTY ASSOCIATION

DLA - DEPARTMENT OF LAND AFFAIRS

DOA - DEPARTMENT OF AGRICULTURE

SMME - SMALL, MICRO AND MEDIUM ENTERPRISE

LIST OF GRAPHS

GRAPH 3.1: AGE DISTRIBUTION OF MATHEBULA COMMUNITY

GRAPH 3.2: LEVEL OF EDUCATION

GRAPH 3.3: AGRICULTURAL SKILLS

GRAPH 3.4: PREFERRED LAND USE

INTRODUCTION AND OBJECTIVE OF MATHEBULA COMMUNAL PROPERTY ASSOCIATION (MCPA)

1.1 INTRODUCTION

MAFA Training and Development Consultancy was requested by the Department of Land Affairs (DLA), Mpumalanga to prepare a Business Plan for the Mathebula Family. There are 37 members who have come together and formed a Communal Property Association (CPA). The members intend to buy portion 7 of the farm KATOEN 278 JT, and a Business Plan is required prior to the purchase of the farm. The Business Plan will be submitted to the Department of Land Affairs to secure the purchase price and the remaining grant finance to develop the farm. Photographs taken at the farm and the family appear in Annexure A.

1.2 OBJECTIVES

The Mathebula Communal Property Association (MCPA) would like to:

- Collectively acquire, hold, administer land and other assets, advise and oversee the running of projects, for and on behalf of the family within the powers provided by its constitution;
- Develop and manage the farm on commercial grounds;
- Create employment for its members, in order to alleviate poverty by increasing food security;
- Generate income for its members through efficiently utilization of the scarce resources.
- Empower its members through training and capacity building.
- Do everything in its power to ensure participation by its members in decision-making structures of the Association and to foster harmony within the membership.

2. LOCATION AND DESCRIPTION OF FARM

The farm to be purchased by Mathebula CPA is located near Rocky's Drift in the Mbombela Municipality, Mpumalanga **Province**, about six (6) kilometers from White River on the White River/Nelspruit road (R40).

The farm comprises portion 7 of the farm Katoen JT 278 in extent of 8,8865 hectares. A valuation was completed for the property and the sale price was R765 295 and the negotiated purchase price is R700 000. This property was used for chicken and small-scale pig farming. This is the highest and best use the property can be put to considering its small size of only 8.8ha. There are numerous buildings on the property to support this operation, details of which appear below. The land is undulating and steep in places. Buildings follow the land contours.

Buildings:

Description	Size / sq.m
Main dwelling	219
Pool & Lapa	
Flat	35
2nd Dwelling	116
Servants Quarters	75
Reservoir	
2 Boreholes	
Abattoir	270
Broiler houses	3600
Pig Sties	480

3. SOCIAL ASSESSMENT OF MATHEBULA COMMUNITY

3.1 INTRODUCTION

The objective of this section is to determine the demographic profile of the MCPA and to assess its needs and skills level. The social assessment is based on the analysis of a community questionnaire and a workshop held with the community. The majority of the MCPA members reside in Bhuga or surrounding Khumalo Tribal Authority Area, which is approximately ±25 kilometers from Katoen farm.

The questionnaire was developed by MAFA and is included as Annexure C. The format and objectives of the questionnaire were explained to all members. Two members of the community were trained on how to conduct a survey. All MCPA were surveyed. A membership list of the 37 MCPA beneficiaries is included in Annexure B.

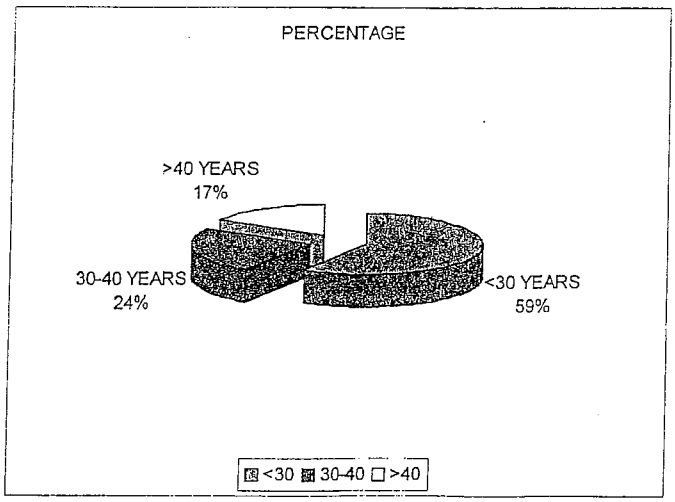
Results presented below provide an overview of the demographics, needs and skills level of the community. This information needs to be considered in developing the Business Plan for the MCPA.

3.2 DEMOGRAPHICS

The following facts are based on information supplied by the beneficiaries of the Mathebula CPA after completing the social assessment questionnaire. (Annexure C)

3.2.1 Age Levels

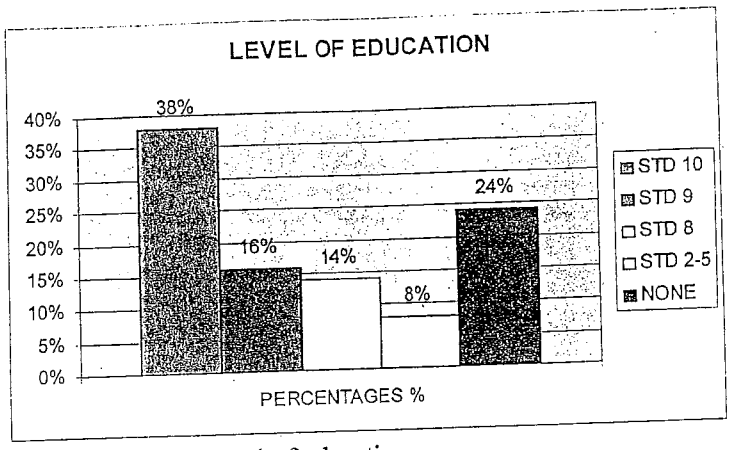
The questionnaire revealed that the Mathebula community consists of 30% males and 70% females. 77% of women in the Mathebula community are unmarried. A summary of the age structure indicated that 59% of the entire community is below 30 years of age, 24% between 30-40 age level and the remaining above 40 years.



Graph 3.1 Age distribution of Mathebula Community

3.2.2 Level of Education

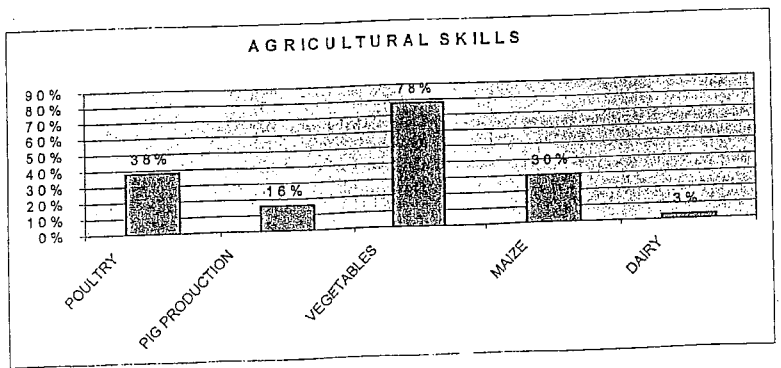
Thirty eight (38%) percent of the community have standard ten (10) whilst 21% have had no formal education. Education levels are presented in graph.



Graph 3.2 Level of education

3.2.3 Agricultural Skills Present in the Community

Only ten (10) percent of the respondents indicated that they had no agricultural experience. Thirty-eight (38) percent have indicated experience in poultry farming whilst sixteen (16) percent have some experience in pig production. A summary of the agricultural skills present in the MCPA is presented in graph 3.3 below.



Graph 3.3 Agricultural skills

It is evident that from the above graph that the community holds in wide range of agricultural experiences. It is also interesting to note that a considerable number of this community have experience in poultry farming which is the main agricultural activity of this farm.

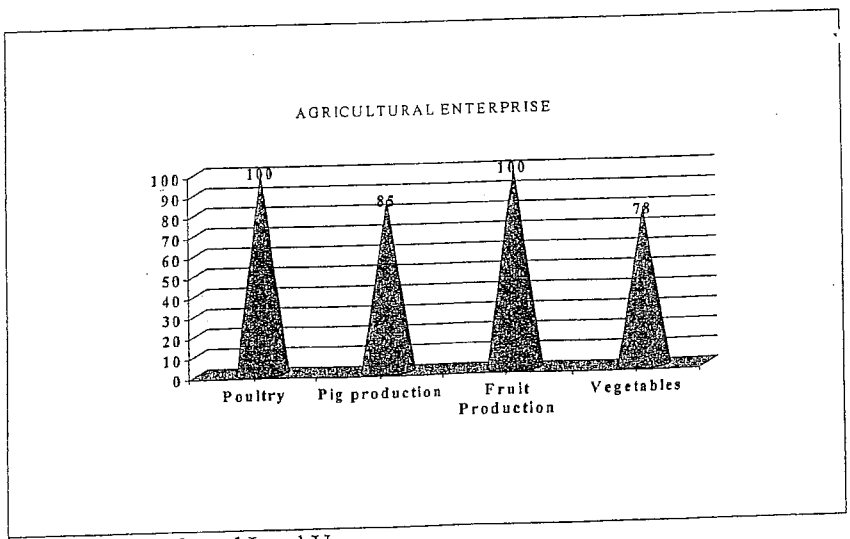
3.2.4 Non-Agricultural Skills

Non-agricultural skills listed by the community indicated.

- Driving (3)
- Baker (2)
- Dressmaker (2)
- Welding (1)
- Bricklayer (1)
- Security (2)

3.3 PREFERRED LAND USE

The community was questioned on their preferred land use for Katoen farm. The preferred land use is presented in the graph 3.4.



Graph 3.4: Preferred Land Use

3.4 S.W.O.T ANALYSIS

S.W.O.T analysis is a technique used to determine internal and external factors that impact or may impact a project. Internal factors include strengths and weaknesses of a project whilst external factors include opportunities and threats outside the project. The results of the S.W.O.T analysis conducted during the community workshop are presented in Table 3.1.

Table 3.1 S.W.O.T analysis of Mathebula CPA

STRENGTHS	WEAKNESSES
• Constituted committee • Land/water rights • Solidarity • Commitment • Electricity • Infrastructure • Skills • Water (Borehole)	• Financial problem • Implements/transport • Lack of training • Distance from project ±25km
OPPORTUNITIES	**THREATS**
• Allow then to earn income • Job opportunity	• Financing the Project • Lack of control on farm • Disregard for the constitution • Distance to markets • Lack of technical skills

The SWOT analysis highlights the positive attitude of the members although they recognise weaknessess and threats facing the project, they also see positive benefits out of the project and the desire to move forward despite obstacles.

One of the major concerns raised as both a threat and weakness was the financial problem and lack of skills. Capacity building of the community would help to address some of these threats/weaknessess. The community would need to develop a plan of action to address these issues.

4. EVALUATION OF NATURAL RESOURCES

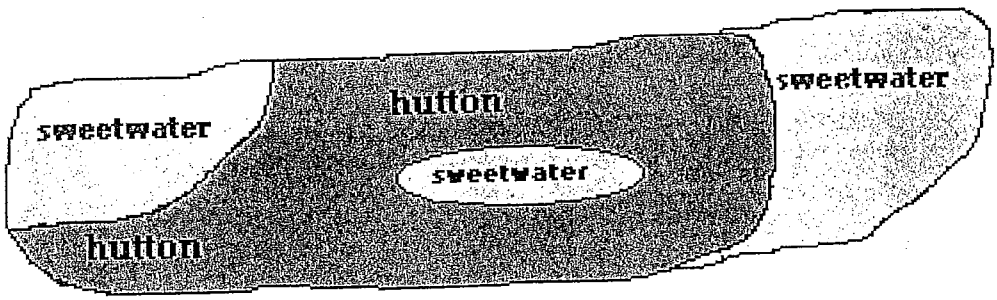
An understanding of the natural resources of KATOEN Farm is required for planning purposes. The evaluation of natural resources must highlight the strengths and weaknesses of the farm in terms of agricultural production and potential land use.

4.1 TOPOGRAPHY

The property has got deep soil with steep slope facing south westerly. Erosion is prevented by heavy soil, soil cover and stable munch. Water runs faster on steep slope and carries heavy loads of silt normally on bare soil. Heavy thunderstorm causes much erosion if contour banks are not erected because contours slow down the speed at which the water runs. Soil mulches also reduce soil loss and run off.

4.2 SOIL

The are two soils forms found on the farm, namely Hutton and sweetwater. The general distribution is presented below.



Map 1. Soil forms

Each soil form is now briefly discussed

- **Hutton**

  This soil form consists of orthic A Horizon overlying the red structured B. This orthic A horizon does not qualify as an organic, humic vertic or

melanic top soil although it may have been darkened by organic matter. Most south Africa have top soil which do not show organic, humic vertic or melanic character and may be regarded as ordinary "or" normal. They are defined as orthic. This soil forum has a high water holding capacity with less erosion. It covers ¾ of the farm and the rest is

- **Sweetwater**

The soil contains in some parts, more than 1,8% organic carbon. The humic A horizon has been defined to accommodate low base status, freely drained top soil horizons which have accommodated relatively large amounts of humified organic matter in moist climate that are cool or cold.

4.3 VEGETATION

The dominant grass species are a tall of themeda trianda, Digitaria spp, eragrotis suporba, penicum maxima and denstum which grows in the shade of trees. Themeda trianda is less common on sandy soils. Kikuyu grass is planted in between the foul houses and around piggery.

4.4 WATER RESOURCES

The farm has got one (1) bore hole which pumps water to the tanks and a reservoir. Two water tanks and cement dam are used to store water for both human and animal consumption. There is also an earth dam which runs dry during spells/drought periods.

4.5 CLIMATE

Climate has a significant effect on land used and the choice of enterprises. The main climatic considerations are rainfall, temperature, evaporation, hail and frost.

4.5.1 Rainfall

Rainfall is the most important factor for agricultural planning. The main considerations are the amount, variability and seasonal distribution.

4.5.1.1 Amount of Rainfall

The project lies within the summer rainfall region with its distinct period of relatively low rainfall in winter. The average annual rainfall is between 700–900mm.

4.5.1.2 Rainfall Variability

The rainfall varies more during the drier months that is from May through September. The month with the lowest and highest variation is October and July respectively.

4.5.1.3 Seasonal Distribution

The highest percentage of annual rainfall occurs over the summer months that is October through March which represents the main production period for dry land crops. Also the demand for water by crops is higher during summer because of evapotranspiration "that is the loss of water from soil and plants through evaporation transpiration.

4.5.2 Evaporation

Most of the evaporation rate is higher during summer months than winter. If vegetables are planted then water is excessively needed for irrigation since evaporation is at a higher rate.

4.5.3 Temperature

Temperature divides itself into air and soil temperatures. Temperature plays a major role in seed germination and plant growth. Most of the plants or crops cannot grow in the absence of the required temperature. Furthermore plants cannot flower when temperature is inadequate.

Soil temperature plays a major role during seed germination and stimulate soil microbes for the decomposition of organic matter. In short, soil temperature greatly affects the physical, biological and chemical processes occurring in that soil. In cold soils chemical and biological rates are slow. Biological decomposition can come to a standstill, thereby limiting the rate at which nutrients such as nitrogen, phosphorus, sulfur and calcium are made available. Also the absorption and transport of water and nutrient by higher plants is adversely affected by low temperature.

5. PRESENT LAND USE AND INFRASTRUCTURE

Having considered the nature resources of KATOEN Farm, this Section describes the farm's present land use and infrastructure.

Present land use is often an indicator of optimum land use given the land's natural resources and the enterprise financial returns. A thorough understanding of the farm's infrastructure is necessary for proper planning and development.

5.1 PRESENT LAND USE

Presently there is no agricultural activity on the farm. Tenants occupy both dwellings for residential use on the farm. Some ¼ hectare is currently planted to litches fruit trees which are unattended. The broiler houses and pig sties stand empty and non-productive. The rest of the land that has a potential soil for fruit production and vegetable growing is also not utilised.

5.2 THE PRESENT INFRASTRUCTURE

The following infrastructure is currently found on the farm:

- Two farm houses – all in use, water and electricity present
- Servants quarters
- Abattoir needs to be repaired, no water and electricity inside. The main electricity cable is disconnected from the transformer
- 13 Broiler house– 7 of them are 10x5m^2 and the other 6 are 10x20m^2

- Shed and office in good condition but electricity is switched off for a while
- Access road to the project is good
- Pigsty which needs to be renovated
- About 300 feeders and ±300 drinkers available
- The farm fence is electrified right round but currently the power is not in use or disconnected
- One earth dam
- Two reservoirs and one 500 litre water tank for water.

6. PROPOSED LAND USE AND INFRASTRUCTURE

Having discussed the Social Assessment of the community (Chapter.3), natural resources of the farm and present land use and infrastructure, this section process land use and infrastructure development of the farm.

6.1 PROPOSED LAND USE

The Mathebula Community identified the following enterprises during the social assessment.

- Livestock (Pigs),
- Vegetables (Beetroot, Spinach),
- Poultry (broiler and layers),
- Field crops (maize),
- Sewing and
- Baking.

Each of the above enterprises will now be discussed presenting the advantages and disadvantages of each enterprise by considering the Mathebula community's needs and experience, natural resources of the farm, current land use and infrastructure and economics. Based on these facts a recommendation will then be made on the viability of the proposed enterprises.

6.1.1 Livestock (pigs)

Advantages:

- Community would like to farm livestock (especially pigs)
- Upgrade existing buildings to accommodate weaner pig unit, breeding sows and a boar
- Existing planted kikuyu grass for free range pigs.
- Quick returns on sales of pigs
- Availability of local market
- Little chance of competition

Disadvantages:

- Pig production requires a large and reliable water supply
- Low margins on pig production as feed costs are high (no farm produced feed)

Recommendation:

Pig production is recommended based on the existing infrastructure, but the pigsty needs to be renovated.

6.1.2 Vegetables

Advantages:

- Community would like to farm vegetables
- The community has experience in vegetable production
- Climate would allow for year round production
- Gross margins for vegetable production are good
- Drainage is also good as the slope is steep.

Disadvantage:

- Soils not ideal (heavy)
- The slope is too steepy high costs on irrigation system (drip irrigation)

Recommendation:

The consultants recommend that vegetable production is feasible on KATOEN Farm based on the following reasons:-

- Organic matter will be added to the soil to improve the soil structure as it is heavy.
- There is no need for high cost irrigation system since the land earmarked for vegetables is about 1 hectare. These 37 members will use traditional methods for irrigating their crops, since vegetables will be planted for food security.

6.1.3 Subtropical fruits (Mangoes and Litches)

Advantages:

- ¼ hectares already planted with litch trees
- More subtropical fruits could be grown on the farm
- The community have experience in subtropical fruit production, especially litches and mangoes
- Local market is available

Disadvantages:

- Fruit trees need intensive management to make it economically viable
- High establishment costs and returns only after a few years

Recommendations:

It is recommended that this enterprise could be expanded when members have received intensive management skills on subtropical fruits.

It is also recommended that in the existing 1¼ hectare which is next to the litch orchard, mango orchard should be established.

6.1.4 Poultry (Broiler)

Advantages:

- The community is more experienced in broiler production.
- Structures/buildings are already in place and they need minor renovation.
- The abattoir is already in place but need to be renovated.
- The farm was previously used for broiler production and slaughter chickens.

Disadvantages:

- Transportation of feed and products
- Reconnection of electricity (costs)

Recommendation:

The consultants recommend that the community starts with a small broiler enterprise that could be expanded as the market and skills develop. The broiler unit is discussed in more detail in Chapter 6.2.

Other possible enterprises that could be implemented on KATOEN Farm include:

6.1.5 SMME's (Sewing & baking)

Advantages:

- Upgrade existing houses to accommodate SMME's.
- Start with small capital outlay and expand enterprise as business grows.
- Non-agricultural income (diversify risk)

Disadvantages:

- Transportation of people between Bhuga and KATOEN Farm.
- Production, marketing, financial and management skills required.
- Start-up capital required to establish enterprises.

Recommendation:

Due to transport constraint the consultants recommended that if desired by the community SMME's should be established in Bhuga. Feasibility studies of the two SMME's would need to be further conducted to determine the viability of such an enterprise.

6.2 RECOMMENDED ENTERPRISES

Three (3) enterprises are recommended by the consultants: broiler, piggery and crop production.

6.2.1 Broiler Production

The Mathebula community expressed a desire to undertake broiler production. Having considered the advantages and disadvantages of broiler production the consultants recommend the establishment of a broiler unit.

It is recommended that the Mathebula Community establish four 200 bird commercial broiler units. This approach is favoured as it will assist the marketing of birds by spreading broiler sales and improve the cash flow of the project. The four units would provide a constant supply of broilers for sale every four weeks (monthly).

To facilitate management, the single poultry house, single age group, deep litter system of 7-7,5cm is recommended. This system eliminates the problem of the producer having to manage a flock comprising several age groups. It also lessens the spread of diseases amongst birds. The four houses should be well ventilated.

Two hundred day old unsexed broiler chicks, already vaccinated, should be purchased from a reputable supplier every week. Ideally the producer should rear the birds with ad lib feeding for 42-49 days to produce an average of 1.8–2kg live weight. It is essential that all birds are sold by day 49. The high cost of feeding birds for a longer period would reduce profitability. On average, each house will produce 6 batches per year at stable production, allowing 5 weeks between batches for cleaning, hygiene control and receipt of new chicks.

Particular care should be exercised when ordering chicks to ensure that batches maturing at year-end should be ready for the Christmas market and likewise for the Easter holiday period. On average 800 broilers will be ready for sale every four weeks. The stocking rate (birds/m^2) used for planning purposes. 10 birds/m^2 is recommended and that will prevent overcrowding which leads to cannibalism. A mortality rate of 6 percent has been used in gross margin calculation. With correct hygiene, vaccination, ventilation, fresh water and feed the mortality rate could reduce to four percent.

An adequate and reliable supply of clean water is essential. It is recommended that water be held in a header tank to allow a constant flow, under gravity to automatic drinkers.

5.2.2 Pig Production

The Mathebula community expressed a desire to undertake pig production. Having considered the advantages and disadvantages of pig production the consultants recommended the establishment of a piggery unit, since pig farming in South Africa is one of the most important industry along other farming facets. Consumption of products and by-products has increased over the past few years. This industry needs to be enhanced and sustained.

Just to show the importance of this industry, the following products and by-products can be gleaned from pigs: Pork (meat); bacon, polony, ham, sausages, fats and skin. The biggest advantage of pig farming is that these animals are omnivorous (they eat almost everything). Pigs are also very fertile and can produce 10-15 piglets in one furrowing. They have a short gestation (pregnancy) period of about 117 days. Sows have a short suckling period which spans 21-56 days, and produce young ones at one year old. Pigs are more efficient in the synthesis and storage of fats.

Proper management should be exercised during pregnancy. The oestrus cycle of the sow takes approximately 21 days. At about 19-21 days after she has been on heat, the sow must be observed closely to determine whether she is on heat again or she has conceived. Sows that are on heat must be served again. Pregnant sows must be kept in-groups in paddocks, in-groups in pens, individually in sow pens. Sows should be individually treated and fed during their reproductive life.

During the first few weeks after the sow has been served she must not be overfed. Sows should not be given more than 2kg feed a day during pregnancy. Fat sows find difficulty in walking and may experience problems during furrowing. Pregnant sow must be free of internal and external parasites. She must be dewormed 3-4 weeks before the furrowing date.

The consultants recommend that the Mathebula community should start with three sows and one bear as this will not constrain them with feed costs.

6.2.3 Crop Production

- **Vegetables**

The consultants recommend that vegetables should be planted on the farm especially for subsistence farming as food security. Surplus vegetables could always be sold to increase cash flow. Recommended vegetables are: spinach, beetroot, green pepper, cabbage, carrots and a bit of sweet potatoes

- **Fruit Production**

  - **Mangoes**

    The consultants recommend the establishment of a mango orchard. Mango orchard to be established once the broiler unit is up and running.

  - **Litchi Trees**

    The consultants recommend that the existing litch orchard should be upgraded to increase the cash flow of the farm.

7 MARKETING PROPOSAL

Having discussed the proposed land use this section considers the marketing of broilers and pigs.

7.1 BROILER ENTERPRISE

Live broiler will be ready for sale every week (weekly). The community has already identified markets and they need to develop these markets once they start the enterprise. In order to provide a more consistent supply to the market the expansion to a five or nine unit enterprise should be done as soon as the community has developed the necessary production skills and economically possible. The community could sell directly to the public or supply vendors who would do the selling. The gross margin has assumed that each bird weighing between 1.9-2.1kg will be sold for R25.00.

A provision for the transport of birds has been made in the gross margin but vendors might come to the farm to collect birds, a discount could then be provided.

7.2 PORK ENTERPRISE

A market for pork enterprise will still be identified by the community. A local market is already in existence but needs to be strengthened once the enterprise is established.

8. CAPACITY BUILDING AND TRAINING

The social assessment of the community highlighted the need for capacity building and training. This Section considers the training and capacity needs.

Whereas training is specific, for example: poultry production or piggery, capacity building is general and aims to strengthen the community as an entity. The importance of capacity building is often over looked. It is proposed that capacity building be presented to two group namely, the entire community and the management structure. The reasons for this will be discussed shortly.

Training should be made available to those numbers of the Mathebula community that are interested in a particular training module or require specific training due to their management positions within the association.

8.1 CAPACITY BUILDING

The following capacity building modules are proposed:

- Institution building (all members and for management)
- Decision making and problem solving (all members and for management)
- Conflict resolution
- Planning and Control
- Principles of supervision
- Business management principles
- Starting a small business

- Holding of meeting, keeping of minutes, setting of agendas.

Management, in most instances, would require additional capacity building to ensure that they are fully equipped to run business. All members should be exposed to capacity building modules as described above, with the additional capacity building of management building on this basic knowledge.

8.2 TRAINING

The following training modules are proposed:

- Basic record keeping and financial management
- Advanced record keeping and financial management
- Project management
- General management principles
- Poultry production
- Piggery production

The Department of Agriculture would present the agricultural related training modules listed above. Nonetheless some specialist input or training courses may be required.

Capacity building could take the form of workshops with the aim being to maximize community interaction. Training modules should be of a practical nature building on relevant theory. Training programs on the other hand should be on the farm to maximize benefit to the farm business.

The focus on training would be on community skills development and not on accreditation. Any additional capacity building or training identified by the community, DLA or DOA or an implementing agent would need to be considered.

9. INSTITUTIONAL STRUCTURE

A business with 37 shareholders needs a strong institutional structure to operate efficiently. The Mathebula CPA constitution provides the necessary framework for the Mathebula and outlines the rules of the committee and members.

ANNEXURE B

LIST OF MATHEBULA CPA MEMBERS

	NAMES	IDENTIFICATION
1.	Bulunga Vulinduku Richard	5906255515085
2.	Bulunga Zandile Suzan	8008170428085
3.	Dube S'phiwe	7601061311088
4.	Dzimba Jane Zodwa	7212190740088
5.	Khoza Hluphi Rose	6907150885085
6.	Khumalo Solomon	6210065756081
7.	Mabaso Burombe Laizah	4802120668087
8.	Maile Chris Dzinganabo	7909255670080
9.	Malomane Josephina Lamasonto	6512241238086
10.	Maluka Zamile Jane	7504040989083
11.	Mathebula Amari Cindy	6904240609088
12.	Mathebula Doris Ntombikayise	7405160496083
13.	Mathebula Herry Shonaphi	5903085637080
14.	Mathebula Tshombatana Aidah	5710290773083
15.	Mavimbela Hleziphi Phumzile	8102150785083
16.	Mazibuko S'dudla Elizabeth	6306220609080
17.	Mazibuko Sikhwabula Samson	6111045495081
18.	Modipane Sailina Assie	4708060482084
19.	Mphanga Gladys Elizabeth	7604190564080
20.	Ngobe Daina Hlalaphi	5303060479089
21.	Ngwenya Madala Richard	6508175245089
22.	Nkosi Charles Fulathela	7410045502089
23.	Nkosi Tholi Christopher	7901135293084
24.	Nkosi Zelda Prudence	8101040544080
25.	Nyakane Andrea Senzo	7509075674088
26.	Nyakane Jane Sibongile	7310020746083
27.	Shakwane Eunice Lungile	7112150906085
28.	Sibiya Esther Rassie	7307300398080
29.	Sibiya Jeaneth Prudence	6904240609088
30.	Sibiya Lilian Sizeni	6401110254087
31.	Sibiya Sibongile Winny	7604020635084
32.	Sibiya Zandile Goodness	7708080693089
33.	Ubisi Luta Violet	5312060540089
34.	Zitha Lala Gladys	6605100271089
35.	Zitha Ritter Bekiwe	6807200748087
36.	Zitha Samela Busi	6303120806080
37.	Zitha Virginia Hloliwe	7601050562089

Litch Trees

- Upgrading the present Litchi orchard
- Spraying for fruit pest during fruiting
- Spraying for fruit diseases during flowering
- Pruning of trees

Farm Planning

- Ensure enterprises tasks are completed
- Development of farm financial system
- Training of staff mentioned above
- Planning of all production systems
- Purchase of farm bakkie & tractor
- Reconnecting of a telephone line
- Appoint farm manager
- Network with role players and inputs providers

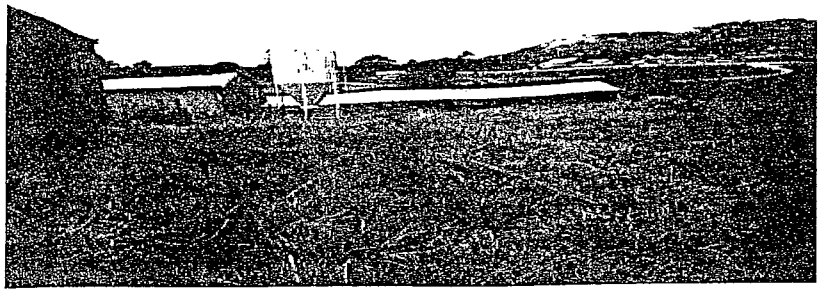
A production implementation plan is presented on the next page. It outlines the timing of the main operations for each enterprise.

12. CONCLUSION

In developing a business plan the consultants had to try to address the community's need for job creation and investment. The consultants proposed that the farm be operated as a commercial unit with the primary objective being to maximize profits over the long term. The farm should remain as a poultry farm with broiler unit and piggery unit being introduced as time goes on. To address the issue of food security the consultants proposes that one hectare be used for vegetable production and 1¼ ha for mango fruit trees.

There is a definite need for training and capacity building of the community. The community need to be empowered to ensure that their business and CPA are sustainable in the long term. The appointment of an implementation agent will ensure that the business plan is implemental and training and capacity building are provided. The project will have to operate and aim to achieve the best results.

ANNEXURE A



Some of the broiler houses on the farm
Land that could be used for fruit production and vegetable growing



The Mathebula community on the farm



Unused land in the farm



Calculations:

100m/5m = 20 trees per row
100m/6m = 16.67 = 17 rows / per ha
Plant populations = 17 x 20 = 340 trees / ha

If buying in bulk each tree will cost R15.00 each when budded.

Therefore R15 x 425 trees is R 6 375.00
TOTAL = **R 6 375.00**

Yield per ton per ha

Average - 5 to 8 years Good – 10 to 15 years

Age	Yield kg/ha
1-3	-
4	4 800
5	6 500
6	8 000
7	9 500
8	11 000
9	13 000
10	15 000

- Crop Production

Item	Price
Vegetable seedlings	2 000.00
Transport	50.00
Fertilizers Farm Manure	1 200.00
Pesticicles	1 000.00
Subtotal	**4 250.00**

- Small Tools

A R1 000.00 provision need to be made for the purchase of small tools including hoes and slashers.

- Financial Aid

The Land Bank could be a valuable partner for the farm business. The Land Bank will also be prepared to finance production loans as

per their normal criteria. Risk Assessment is an important factor when assessing the granting of a loan by Land Bank branches. The Land Bank products consists of a gold, silver and bronze range. The gold range is awarded to clients with low risk and the bronze range to those of higher risk, because Mathebula CPA will have a title to their land (collateral) they will probably fall into the silver range.

11. IMPLEMENTATION PLAN

The correct and timely implementation of the plan will ensure that the planned financial returns are obtained. Meeting production in a year will be a great challenge and a great deal of work and organizing needs to be done before broilers are raised or piggery established. To achieve this goal funds need to be accessed as soon as possible.

11.1 GOAL

The setting of goals is important for the growth of the business and the community. Goals should among others, be realistic and achievable to ensure that they stimulate development. Goals could include:

- Production
- Financial
- Capacity Building and Training
- Social goals

- Production goals have been described in the plan and would have to be achieved to earn the planned financial returns.

- Production goals could change over time as the community's skills and experience improve and thus higher production levels are set. Production and financial goals go hand in hand.

- Capacity Building and Training goals would ensure that the community is capable of managing the project once role players are involved.

- Social goals would involve the development of the community be it through education, empowerment of women and youth.

These goals will be especially important during the initial years of the project. At the beginning of each year / seasons the management structure, committee and community need to set goals and the time frame for achieving these goals.

11.2 TIMING

To achieve the production and financial goals of 2003 the remaining grant needs to be accessed as soon as the project is approved and transferred into the name of Mathebula CPA. Tasks that need to be accomplished before production can take places are listed for each enterprise and then for the whole farm.

Broiler Unit

- Training of workers selected for this enterprise
- Planning of the production system
- Re electrifying the broiler unit
- Buying of feeds
- Ordering of day old chicks
- Preparing the foul house equipment

Piggery Unit

- Training of workers selected for this enterprise
- Renovating the pig sty

Broiler Unit

- Training of workers selected for thus enterprise (Broiler and Financial Management & record keeping)
- Planning of the production system
  - Number of chicks to be housed
  - Number of Drinkers & Feeders
  - Lighting system
  - Ventilation
  - Number of bags of feeds per batch
  - Suppliers of sawdust
- Re electrifying the broiler unit
- Cleaning the surroundings
- Cleaning the fowl run house and disinfecting

- Allow the fowl run house to dry for at least a week
- Buying feeds & collecting sawdust
- Buying of Medication
- Ordering of day old chicks
- Preparing and placing of fowl run house equipment (Infra-red lamps, sawdust, lights, drinkers, feeders and paper plates for chicks, thermometer, record sheet)
- Arrival of chicks
- Vaccinating chicks with stress pack

Piggery Unit

- Training of workers selected for this enterprise
- Renovating the pig sty
- Planning of the production system (number of sows and boar to be housed)
  - Number of bags of feeds needed
  - Testing availability of water for drinking
- Installing electricity in the pigsty
- Buying of breeding pigs & feeds
- Vaccinating pigs on arrival against internal parasites.

Crop Production

- Linking members with agricultural extension officers
- Planning for the crops to be planted
- Preparing land for planting
- Ordering & collecting of seedling
- Transplanting of seedling

Fruit Trees

- Mangoes
- Planning for mango production
- Deciding on the number of trees to be planted
- Prepare the land & ordering of trees
- Digging of holes for trees to be planted
- Organizing pit mos or organic manure
- Arrival of trees and transplanting
- Regular irrigation and monitoring of trees

The 37 Mathebula members would collectively own the assets of the business. The community elected committee would be responsible for the management of the business. The final control o the farm business rests with the community and their elected committee.

The Mathebula CPA constitution governs the actions of the committee and members. The constitution outlines the roles, responsibilities and power of committee members and members. The constitution also describes the frequency and function of general, annual general and committee meetings.

Role players, including DOA, DLA and Non-governmental organisations would provide support services to the community but not directly linked to the community and their involvement would diminish over time.

Profits earned by the farm business would be available for re-investment in the farm operations or be distributed amongst the Mathebula CPA members. A decision would have to be made by the Mathebula community on the percentage of profits to be re-invested or distributed. A balance sheet needs to be made between the needs of the business and those of shareholders. Workers employed by the farm would be remunerated for their services.

10. FINANCIAL FEASIBILITY

In order to establish and run a business, initial start-up capital as well as operating capital is required. The Mathebula community will be faced with a number of decisions of where to source finance and the best to utilize this finance.

The Department of Land Affairs will make a Land Redistribution for Agricultural Development grant of R20 000 available to each member of the CPA. The main purpose of this grant is to enable people to have access to land for agricultural development. The Mathebula CPA qualifies for R740 000 (37 people @ R20 000 each)

Part of the grant which is R700 000 will be used to purchase the land. The balance of the grant will be available for the development

of the farm. The Mathebula committee would have to oversee the proper spending of the money as outlined in the following tables.

- The Broiler Unit

Gross Margin: 200 bird Item Product	Unit	R/Unit	Quantity	Per batch
Income Broiler sales mortality = 5% Gross income	birds	29	190	5510.00 5510.00
Variables costs Day-old chicks Subtotal	Chicks	3.00	200	600.00 600.00
Feed: Starter (1.65kg per bird) Grower (1.57kg per bird) Subtotal	50kg 50kg	140 135	4 12	560.00 1 620.00 2 180.00
Vaccination Newcastle 1 Newcastle 2 Gumburo Infections bronchitis Subtotal	1000 dose 1000 dose 1000 dose 1000 dose	21-50 20-90 41-00 25-30	1 1 1 1	21-50 20-90 41-00 25-30 108.70
House Sanitation Subtotal	Pack	134	0.5	67.00 67.00
Transport – Chicks Delivery of birds Feed Subtotal	R/km R/km R/km	1.00 1.00 1.00	50km 50km 50km	50.00 50.00 50.00 150.00
Electricity-lighting the fowl-run Subtotal	Estimate	45.00	1	45.00 45.00
Casual Labour Subtotal	R/day/batch	15.00	42 days	630.00 630.00
Contingencies	2.5%			94.53
Total Variable Costs				3 875.22
Gross Margin				1 634.78

- Broiler Equipment Needed

ITEM	PRICE
3 Infra-Red Lights	R 270.00
1 Thermostat	R 40.00
2 Shovel	R 90.00
2 Hosepipe	R 150.00
	R 550.00

FARM BAKKIE

Provision needs to be made for the purchase of a good used 1-ton bakkie. The bakkie will be primarily be used to collect day old chicks and deliver broiler to the point of sale. Proper control of the use of the vehicle is required. This will ensure that running costs are kept to minimum. Abuse of the system will mean a lower return for the Mathebula CPA. The cost of the good used bakkie is estimated at ±R35 000.

The following enterprizes can be established once the broiler unit is up and running. The cost of the unit is up and running. The cost of the unit is as follows.

- Piggery Unit

Unit	R / Unit	Quantity	Total
Sows	1 000.00	3	3 000.00
Boar	1 200.00	1	1 200.00
Formulated Feed	110.00	20 bags	2 200.00
Creep Feed	105.00	5 bags	525.00
Renovation of the House			2 000.00
Subtotal			**R8 925.00**

- Fruit Trees

There is 1¼ ha of land available for mango fruit trees.
1¼ ha will need 425 trees to be planted. Since 1 ha = 340 trees and ¼ ha = 85 trees. Then 340 + 85 trees = 425 mango trees to be planted at 5m apart from each tree (plant spacement) and row spacement is 6m.

APPENDIX 6.7 – DLA Letters of Invitations for Consultants

DEPARTMENT: LAND AFFAIRS
REPUBLIC OF SOUTH AFRICA

MPUMALANGA PROVINCIAL LAND REFORM OFFICE
EHLANZENI DISTRICT OFFICE
Private Bag x11329, NELSPRUIT, 1200 – Tel (013) 752-2064, 752-2066, 752-2089, 752-7522 Fax (013) 752-2079

Enquiries:Miss fundile Xakaza
Our Ref.No.: L01/01/07/30

5 August 2002

Mafa Training and Development.
P.O. Box 14750
Nelspruit
1200

Attention: Ms A. Ndashe

INVITATION FOR PRESANTATION

You are hereby invited to avail yourself for Presentation of your proposal.
The following criteria will be utilized for the evaluation of the proposal:

1. Community Participation
2. Project Management Experience
3. Understanding of land Reform
4. Approach /Philosophy
5. Spectrum of Planning Skills
6. Financial Planning Skills
7. Knowledge of the area
8. Communications & Training

DATE: 8 AUGUST 2002
VENUE: DEPT OF LAND AFFAIRS
TIME: 12:00

.....
PROVINCIAL DIRECTOR
LAND AFFAIRS MPUMALANGA
DATE .06/08/02

APPENDIX 6.8 –Memorandum of Instruction to Register Project

DEPARTMENT: LAND AFFAIRS
REPUBLIC OF SOUTH AFRICA

MPUMALANGA PROVINCIAL LAND REFORM OFFICE
EHLANZENI DISTRICT OFFICE
Private Bag x11329, NELSPRUIT, 1200 – Tel (013) 752-2064, 752-2066, 752-2089, 752-7522 Fax (013) 752-2079

MEMORANDUM

INSTRUCTION TO REGISTER THE MATHEBULA COMMUNAL PROPERTY ASSOCIATION IN TERMS OF SECTION 8 (3) OF THE COMMUNAL PROPERTY ASSOCIATION ACT, 1996 (ACT NO. 28 OF 1996)

REFERENCE: ET 6/5/L

REGISTRAR

1. PURPOSE

1.1 To request the registrar to:

1.2 Register the **Mathebula Association**, as a Communal Property Association in terms of section 8 (3) of the Communal Property Association Act, 1996 (Act No 28 of 1996).

1.3 To issue and sign the prescribed Registration Certificate.

BACKGROUND

2.1. The Mathebula Farmers Association was formed by a group of 37 beneficiaries who reside at Bhuga Trust. They are small farmers who farm and sell for a living, they do not have any other source of income. Some of the members have been employed on the farm that they want to purchase.

2.2. The Association approached the Department of Land Affairs, with the intent on finding out whether they could get assistance for their desire to own land. After they were briefed on how Land Reform can assist them, they then applied for the grant.

2.3 The Association is composed of 37 beneficiary households. All the beneficiaries are currently working on the farm with the permission from the farm owner who is a .lling seller.

2.4. The main aim of the Association is to acquire Portion 7 (a portion of portion 2) of the farm Katoen 278 JT , so that they can continue farming, on a full scale due to the fact that they will be owning the farm, therefore they have the opportunity to invest heavily in the farm.

2.5. An application signed by the chairperson and the Secretary of the Association requesting the registration of the Mathebula project is attached (FLAG A).

2.5 The formation of the CPA (FLAG B) will assist them in their quest to acquire land and to further develop an agricultural business on it. The manner in which the proposed Constitution complies with the Schedule to the Act is attached (FLAG B1)

2.6 The service provider was appointed to assist the community with a Legal entity, he then work-shopped the principles and contents of the Constitution with the community on several meeting. In one of the meetings it was agreed that a final date needs to be set wherein the entire community is present and on which the Constitution is officially adopted.

2.7 Adequate notice of the meeting was given to all members in accordance with the Act and the letter of appointment of an authorized officer in terms of section 1(ii) of Act No 28 was done. (FLAG C).

2. DISCUSSION

3.1 Section 8 of the Act provides for the Director-General to register an Association if there has been substantial compliance with section 8(2) of the Act. In terms of items 27-30 of the Delegation of the Communal Property Associations Act this function has been delegated to the Deputy Director: Land Administration.

3.2 The Mathebula Association qualifies for registration in terms of Section 2(1) b of the Act shall apply to a Community entitled to receive property or other assistance from the State in terms of an agreement or in terms of any law, on condition that an Association be formed in accordance with the provision of this Act.

3.3 The constitution was adopted at a meeting that was arranged for this purpose and it complies with the requirements of the Act.

3.4 Effective notice was given of the adoption meeting and claimants resolution to ensure the presence of the members of the community. In view of the facts stated above it is clear that there has been substantial compliance with the provisions of paragraphs (a) to (f) of sub section (2) of the Act and the relevant regulations.

4.1 The Constitution complies with section 9 of the Act in so far as:

a) Clause 5 of the Associations Constitution states that the main objectives of the Association is the acquisition and holding of property Communally and therefore complies with section 2(2) (b) of the Act.

b) Clause 13 makes provision for fair and inclusive decision making processes by appointing Committee member for a period of three years ending at the Annual General Meeting.

4.2 Attendance list was circulated for members who were present in the meeting list attached (FLAG D).

4.3 A report of the CPA adoption day was compiled in terms of the regulations to be submitted together with the request to the Provincial Director for registration of the Mathebula Communal Property Association (FLAG E).

4.4 An Affidavit was signed and sworn to by the person who acted as a chairperson at the meeting where the constitution was adopted, all the requirements have been met with regard to the matters which preceded the adoption of a constitution and other matters connected therewith; (FLAG F).

4.5 A letter from the community indicating their readiness to adopt the constitution is attached (FLAG G)

4.7 List of all the beneficiaries and the committee members in the project is attached (FLAG H)

4.8 A copy of the signed memorandum by the Chairperson / Alternate Chairperson of the Provincial Grants Committee approving the project is attached (FLAG I).

APPENDIX 6.9 – Adoption of the Constitution

MATHEBULA COMMUNAL PROPERTY ASSOCIATION

CONSTITUTION

Prepared by: Mafa Training and Development Consultancy

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CONSTITUTION
MATHEBULA COMMUNAL PROPERTY ASSOCIATION

(1)

ESTABLISHMENT OF A COMMUNAL PROPERTY ASSOCIATION

1.1 A Communal Property Association of portion 7 of the farm Katoen 278 JT situated in the Mbombela Municipality area, Province of Mpumalanga,in extent of 8.8865 ha is hereby established in terms of Section 2(b) of the Communal Property Associations Act, 1996 (Act no. 28 of 1996) for the objects and subject to the conditions set out in this constitution and the Act.

1.2 This Communal Property Association shall have perpetual succession regardless of changes in its membership and shall only be terminable in the manner set out below.

(2)

NAME OF ASSOCIATION

2.1 The name of the association shall be the MATHEBULA COMMUNAL PROPERTY ASSOCIATION (hereinafter referred to as "The Association").

2.2 The address of the Association for all purposes, including the service of any court process shall be :

Portion 7 of the Farm KATOEN 278 JT , Mbombela Municipality, Mpumalanga Province.

(3)

DEFINITIONS

3.1 "association of persons" shall include any voluntary association, partnership, close corporation, company or trust and the like whether incorporated or an incorporated.

3.2 "the Association" means the Mathebula Communal Property Association, a communal property association constituted by this Constitution and established in accordance with the Communal Property Association Act No. 28 of 1996, representing the individuals designated as members.

3.3 "The Association's property" shall mean the property and such further assets, whether capital or income in nature, held and administered on behalf of the Association by the Committee from time to time.

3.4 "the Committee" shall mean the committee elected by the members of the Association in terms of paragraph 13 to manage the affairs of the Association, subject to the terms and conditions set out in this Constitution.

3.5 "conciliator" shall mean a person appointed by the Director General to resolve disputed between members of the Association.

3.6 "constitution" shall refer to this document, which will be registered by the Registration Officer in terms of the Act, and which contains the provisions governing the management and operation of the Association.

3.7 "dispute" for the purpose of paragraph 24, shall, without limiting the generality of the terms, include any dispute as to :

3.7.1 any interpretation of the provisions of this document;

3.7.2 any matter arising from the implementation of the provisions of this document;

3.7.3 any matter arising from or in regard to any aspect of the communal nature of the Association's property as envisaged in this document.

3.8 "general meeting", unless specified to be either an annual, ordinary or extraordinary general meeting, shall mean any general meeting, either annual, ordinary of extraordinary.

3.9 "improvements' shall mean any structure of whatever kind built or erected or placed on the land in terms of the provisions of this document.

3.10 "members" shall mean those individuals whose names are annexed at Annexure A and registered as such in terms of paragraph 8 hereof and shall be entitled to vote at general meetings as members of the Association

3.11 "membership register" shall mean the register to be established and maintained by the Committee, of individuals designated as members of the Association, defined by paragraph 8.2.

3.12 "the Director General" shall mean the Director-General Land Affairs.

3.13 "the Act" shall mean the Communal Property Associations Act 1996 (Act no. 28 of 1996).

(4)

SUBSIDIES

Subsidies to enable the Association to purchase the land in terms of the Provision of Certain Land for Settlement Act (No. 126 of 1993) are to be obtained from the Department of Land Affairs.

(5)

OBJECTS OF ASSOCIATION

5.1 The primary object of the Association shall be to collectively acquire, hold and manage property in common on behalf of the members of the Association, for the purposes of, and subject to, the terms of this Constitution and the Act.

5.2 The further objects of Association shall be :

5.2.1 To manage and administer the Association's property and its natural resources for the benefit of the members in accordance with the provisions of this Constitution, in a participatory and non-discriminatory manner;

5.2.2 To encourage economic self-reliance and self-sufficiency and the cultural and social well-being of the members of the Association and their dependants through farming or any other lawful business or activities and by improving and developing the standard of the agricultural or other forms of economic production within the area where the Association operates, while protecting the environment as required by law;

5.2.3 To raise, receive and hold funds, from any lawful source, for the benefit of the Association, and to manage, administer and disburse those funds in pursuance with the objects of the Association and for administrative purposes;

5.2.4 To conduct and operate any financial assistance or subsidy programme or project to achieve the primary objects of the Association and to co-operate with any other person or association of persons conducting such a programme or project; such activities to include but not limited to technical assistance, education and co-operation, lower production cost and market their products;

5.2.5 To guarantee, upon such conditions as the Association may determine, the obligations of any person, including any Association of persons, in respect of any activity such persons may engage in and which are consistent with the primary objects of the Association.

5.2.6 The development of agriculture and opportunity for small scale agriculture and other job opportunities.

5.2.7 To execute any action as may serve to address poverty, unemployment, socio-economic needs and historical disadvantages among its members.

5.2.8 To foster an environment of co-operation and communication to reach a common objective amongst the members of the Association.

(6)

ASSOCIATION'S PROPERTY

6.1 The Association has identified Portion 7 of the Farm Katoen 278 JT situated in the Mbombela Municipality, Province of Mpumalanga, and may acquire further movable of immovable property and any right or interest in and to movable or immovable property or any part thereof.

6.2 The Association's property may be further increased from time to time by accrued and undistributed income, and the increment of such other assets as may from time to time become payable or transferable to the Association, by accrual, donation or otherwise.

6.3 The Association will be located in Portion 7 of the Farm Katoen 278 JT referred to in 6.1 above.

(7)

PRINCIPLE OF EQUITY

7.1 The powers of the Association and the Committee shall be interpreted and implemented at all times in accordance with the overriding principle of fairness and equity. Such principle requires that the administration of all assets, rights and interests of the Association be conducted only for the benefit of the members of the association. Members of the association shall be dealt with in such a manner as to ensure that all such members receive the same or similar benefits and that any arbitrary and material distinction or discrimination shall be avoided.

7.2 The terms and conditions of this constitution and the powers of the Association or Committee, shall be interpreted and implemented in a manner consistent with the spirit and objects of the Statutory Principles contained in Section 9 of the Act.

(8)

MEMBERSHIP

8.1 The members of the Association are based on individuals and consists of those persons listed in the annexed schedule. Each person listed in the schedule represents one member of the Association.

8.2 A register of members shall be compiled and maintained by the Committee.

8.3 Applications for membership by individuals other than those listed in the schedule shall be made tot he Committee. The Committee shall submit such applications to a general meeting of the Association which shall decide whether to accept or reject an application to become a member.

(9)

ENTITLEMENTS AND RESPONSIBILITIES OF MEMBERS

9.1 Every member shall have the right to make improvements upon the land allocated to that member by the Committee, but such right is subject to the obligation of that member to maintain such improvements.

9.2 Subject to the consent of the Association and on terms decided by it, every member shall have the right of access to communal land and other communal facilities and amenities. Included in the aforementioned, is the right of access to land for grazing and cultivation purposes, gathering of firewood of thatching grass, fetching of water and access to other assets, resources and projects of the Association.

9.3 All rights of the members shall be exercised subject to the rules as determined by the Association in general meeting from time to time. Any such rules may be amended or rescinded by the Association in general meeting.

9.4 Every member over the age of 18 years, shall have the right to vote at the general meeting of members in person or by proxy.

9.5 Every member shall be obliged to pay his or her share of any financial commitments of the Association as determined by the Association in general meeting.

9.6 Every member shall be obliged to pay any levy lawfully imposed on it by the Association in general meeting.

9.7 Every member shall be obliged to make contributions required by the Association towards the maintenance of the common areas of the property for the common good.

9.8 Every member shall abide by the rules established by the Association.

9.9 Each members hall, on becoming a member, nominate one successor in the event of his or her termination of membership by death or otherwise save that such choice shall be subject to the approval of the Association who shall consider the following factors in approving or disapproving such nomination :

9.9.1 The protection of the interests of the member's dependants.

9.9.2 The principles of the law including customary law and customs applicable at the time.

9.9.3 The minimization of risk and conflict within the Association.

9.9.4 The maximization of the wellbeing and interests of the Association.

9.9.5 Principles of fairness and equity.

9.10 Should the member fail to nominate a successor or should the nominated successor be unsuitable, the Association shall, considering the factors referred to in 9.9 above as well as the heirs of the deceased member, if applicable, nominate or approve only one person as a member to succeed the member.

9.11 On the termination of membership referred to in paragraph 9.9 the Association may, not withstanding it's prior approval of the nomination referred to, set aside such nomination should circumstances have changed taking into account the factors referred to in that paragraph.

9.12 A member wishing to relinquish the benefits and rights accruing to it by virtue of this constitution, or whose membership of the Association is terminated in accordance with this constitution, may dispose of its benefits and rights to a purchaser of its choice; provided that the terms of the sale are disclosed to the Association, and the Association in general meeting consents to such sale and tot he admission of the purchaser as a member of the association. The Association shall not unreasonably withhold its consent to a sale or unreasonably refuse to admit a purchaser as a member. In determining whether to consent or not the Association shall take account of the factors referred to in paragraph 9.9.

9.13 Every member shall be entitled to a copy of the constitution of the Association free of charge.

(10)

TERMINATION OF MEMBERSHIP

10.1 Membership of the Association may only be terminated on the following grounds:

10.1.1 Upon the death of such a member.

10.1.2 On the relinquishment of his / her interests and rights as contemplated in 9.11 above.

10.2 The Director General shall at the request of the Association or Committee issue a certificate of termination of membership.

(11)

BERSHIP FEES

nual membership fee as may be determined by the A
member to the treasurer of the committee. The date
ary in each year.

(12)

ubscription in general meeting shall be paid by
for payment of annual fees shall be 28 or 29

functions and duties specifically conferred on it by t
ections of the Association shall be undertaken by the
ction and to the directions of the Members of the As
eral general meeting.

committee members shall act in a fiduciary manner in
ers shall exercise their powers in the best interests of
ought by themselves in comparison with other mem

committee shall be comprised of a Chairperson, Vice-
ment and Operations Officer and so many ordinary
ation in general meeting.

(13)

ns who is a member of the Association may become
ct to the appointments procedure below.

general meeting of the members, the members may
ple majority elect a Committee member.

to paragraph 13.4 Committee members shall hold of
or such they are obliged to vacate such office in terms

appointment of the initial Committee shall nominate a
ctors soon after registration of the Association with
ctors members shall be eligible for re-election.

ons during the one year preceding the annual gene
ease whether in consequence of death, disqualificat
a new Committee member shall be elected during t
shall be entitled to function until a new member is ap

committee shall have the right to form sub-committees
ers. A decision taken by a sub-committee shall be de
rs of the sub-committees shall be appointed by the Co
eligible to be elected as Committee members. The C
ointment of any sub-committee or sub-committees may

(14)

COMMITTEE POWERS

ovided for to the contrary hereinbefore contained the c
mplished by this paragraph :

ancy on the Committee
ation, removal or for any other
general meeting. The Committee shall

ffectively manage the affairs of the
ctors to have been taken by the Committee.
mittee and shall consist solely of people
committee shall have the right to terminate
ation.

owers of the Committee shall be limited in

14.1 The Committee shall not, on behalf of the Association, conclude any of the following transactions without the consent of the majority of members present at a general meeting of members :

14.1.1 dispose or encumber any immovable property or real right in property to which the Association may have a right or expect to obtain a right, whether by sale, lease, donation, exchange, mortgage or otherwise.

14.1.2 allocate specific sites for the exclusive occupation of members.

14.1.3 grant membership to any other person or group of persons other that the members whose names are reflected in the schedule to this constitution.

14.2 Such consent granted at a general meeting may be given in respect of a series of transactions, without identifying each individual transaction.

14.3 Any disposal, mortgage, encumbrance or prescribed transaction in violation of paragraph 14.1 shall be violable.

14.4 A member who alleges that the Association has concluded a transaction contrary tot he provisions of subsection (1) may request the Director-General to assist him or her in challenging the validity of such transaction.

14.5 The powers of the Committee members may be further limited or expanded by the terms of a resolution passed at a general meeting, duly convened, and constituted.

14.6 The Committee shall not transfer any portion of the Association's property directly or indirectly in any manner whatsoever so as to profit any person other that by way of payment in good faith of reasonable remuneration to any officer or employee of the Association for services actually rendered tot he Association, save insofar as such payments are consistent with the aims and objects of the Association.

(15)

DISCRIPTION OF COMMITTEE POSITIONS

The functions and duties of the Committee members listed below shall include, but not be limited to, the following :

15.1 CHAIRPERSON

15.1.1 The Chairperson shall be the Chief Administrative Officer of the Association.

15.1.2 The Chairperson shall preside in all general meetings and meetings of the Committee.

15.1.3 The Chairperson shall represent the Committee and the Association.

15.2 VICE CHAIRPERSON

15.2.1 The Vice-Chairperson shall deputize for the Chairperson.

15.3 SECRETARY

15.3.1 The Secretary shall :

15.3.1.1. keep accurate records of every meeting of the Committee and of every general meeting in a minute book, the minutes of any meeting to be subject to approval of the next Committee meeting or general meeting, as the case may be.

15.3.1.2 keep in safe custody all the documents of the Association.

15.3.1.3 send notices of all general meetings and Committee meetings to those persons entitled to receive such notices.

15.4 VICE-SECTERARY

15.4.1 The Vice-Secretary shall deputize for the secretary.

15.5 TREASURER

15.5.1 The Treasurer shall be required to deep an accurate record of all financial transactions of the Committee and the Association in accordance with accepted accounting practice which must be made available for inspection by any member at all reasonable times.

15.5.2 The Treasurer shall be required to deep an accurate record of all financial transactions of the Committee and the Association in accordance with accepted accounting practice which must be made available for inspection by any member at all reasonable times.

15.5.3 The Treasurer will be responsible for issuing receipts for all moneys received by the Association and account for moneys paid out, subject to instructions by the Committee.

15.5.4 The Treasurer shall report overdue payments to the Chairperson for appropriate action.

15.6 OPERATIONS OFFICER

15.6.1 The Operations Officer shall carry out special tasks as directed by the Committee from time to time.

(16)

PROCEDURES AT COMMITTEE MEETINGS

16.1 The Committee shall organise this meetings and execute its duties as it deems appropriate, subject to the following conditions :

16.1.1 The Chairperson and deputy chairperson are elected at the general meeting where the committee is elected, and hold office for the term of office of the committee.

16.1.2 The Chairperson or deputy has the discretion to convene a meeting from time to time, but is obliged to convene a meeting on request of at least two members of the committee. The notice of such a meeting must be in writing and must include an agenda, at least seven days before the meeting, unless in special circumstances an urgent meeting is required, in which case notice shall be given in a manner prescribed by the chairperson or deputy-chairperson.

16.2 The quorum required at committee meetings shall be not less than half the committee members serving at any given time.

16.3 A committee member shall have one vote. Decisions shall be taken by simple majority vote.

16.4 In the event of equality in votes the chairperson shall have the final and decisive vote.

16.5 Minutes shall be kept of all committee meetings and shall be signed by the chairperson.

16.6 Minutes of committee meetings shall be made available to any member upon request.

16.7 A decision signed by all the committee members shall have the same validity as a decision taken by the committee at a duly constituted committee meeting.

16.8 Members shall be entitled to attend committee meetings and the chairperson shall allow a member to address the committee at such meeting.

16.9 A committee member who has an interest that is greater that his of her interest as a normal member in a matter before the committee shall recess himself or herself from participating in that decision.

(17)

TERMINATION OF COMMITTEE MEMBERSHIP

17.1 The office of a committee member shall be vacated if he or she :

17.1.1 dies or resigns'

And a committee member may be removed from office by the Association in general meeting if he or she :

17.1.2 is found to be of unsound mind; or

17.1.3 becomes insolvent or surrenders his or her estate for the benefit of or compounds with his or her creditors; or

17.1.4 fails to attend three (3) consecutive meetings or a total of five (5) meetings in a year, without good cause being shown; or

17.1.5 is convicted of an offence in terms of section 14 of the Act; or

17.1.6 is unfit to or is incapable of acting as a committee member.

17.2 No removal of a committee member from office on the grounds set out in 17.1.2 to 17.1.6 shall be of force or effect until adopted at a general meeting called on not less than twenty one (21) days prior written notice, which shall state the intention to propose a Resolution for the removal of a committee member.

17.3 Removal of a committee member shall be carried out according to the rules of natural justice, which shall include the following :

17.3.1 The committee member shall be informed of the charges against him or her timeously in order that he will be able to prepare his or her defense.

17.3.2 The committee member shall have the opportunity to address the members in the general meeting called to hear the charge, with reference tot he matters in issue.

17.3.3 The committee member shall have the right to be assisted or represented by another member.

17.3.4 The committee member shall be informed in writing of the outcome of the decision and be given reasons for the decision.

(18)

ANNUAL GENERAL MEETINGS

18.1 The first annual general meeting of all members whose names appear in the register shall be conducted with in one year from registration of the Association in terms of the Act. Subsequently, an annual general meeting must be held within four (4) months of the end of each financial year. An annual general meeting shall not be invalid if not held within this period. The business of each annual general meeting shall include the following :

18.1.1 The presentation and adoption and adoption of the annual report of the Committee.

18.1.2 The consideration of the annual financial statement.

18.1.3 The appointment of auditors.

18.1.4 The election of committee members.

18.1.5 Such other matters as may be necessary and appropriate.

18.2 An ordinary general assembly shall be held at least once every two (2) calendar months.

18.3 Extraordinary general meetings of members may be convened at any time on the requisition to the Secretary of the Committee of :

18.3.1 the chairperson or vice-chairperson of the committee

18.3.2 any two Committee members

18.3.3 at least 50% of the members

18.4 The provisions of paragraphs 19.2, 19.3, 19.4, 19.5, 19.6, 19.7, 19.8, 19.9, 19.10 and 19.11 shall apply, mutatis mutandis, to all annual general meetings.

(19)

PROCEDURE AT GENERAL MEETINGS

19.1 The notice convening general meetings shall be in writing and may be given in such manner as the Committee may from time to time deem appropriate; provided that if the Secretary, after having been duly requisitioned, fails to give notice convening the required general meeting within a period of seven (7) days of having been so requisitioned, then the person/s requisitioning such general meeting shall be entitled to give the necessary note and to convene the general meeting as aforesaid.

19.2 In the absence or inability of the chairperson to act, the vice-chairperson, shall act as chairperson of all general meetings of the Association.

19.3 Subject to the provisions of paragraph 17.2, seven (7) days notice of every general meeting (annual, ordinary and extraordinary) shall be given to all members by the Secretary of the committee whether personally or by registered post by delivery thereof to their places of residence as recorded in the register at least seven (7) days prior tot he date of the meeting, and such delivery shall constitute good notice. In addition a notice of such meeting shall be placed in a prominent place on the land.

19.4 If posted by registered post, a notice shall be deemed to have been received five (5) days after due posting thereof.

19.5 The inadvertent *bona fide* omission to address a notice to any person shall not invalidate the proceedings of any such meeting. The notice of any such extraordinary general assembly shall contain details of the requisitioner thereof (if any) and the matters to be considered at the meeting.

19.6 At all general meetings, a resolution put to the vote of a meeting shall be decided by a show of hands or poll. Each member in good standing or their proxies shall be entitled to one vote, and the poll shall be taken in such a manner as the Chairperson may direct and the result thereof shall be deemed to the resolution of the meeting. Except as otherwise provided herein, decisions at a general meeting shall be taken by simple majority. Members shall have the right to speak at general meetings.

19.7 In the event of an equality of votes, the chairperson shall have a second or casting vote.

19.8 The quorum for any general assembly shall be not less than half the members as recorded in the register. Should a quorum not be present within one hour after the time appointed for the meeting it shall stand adjourned to the same day and the same time the following week. Should a quorum not be present within one hour after the time appointed for such adjourned meeting the adjourned meeting shall stand adjourned tot he same day at the same time the following week. At the second adjourned meeting such members as are present shall be deemed to form a quorum. This paragraph is subject to paragraph 28.3.1.

19.9 Minutes of general meetings shall be kept by the Secretary and shall be available for inspection by each member of the Association.

19.10 At the annual general meeting the Committee shall consult and confer fully with the members on all matters of policy in regard to the management and administration of the property and in regard to specific activities and projects of the Association and shall be bound to carry out the instructions of members issued at a General Meeting by majority resolution.

19.11 A duly convened general meeting at which a quorum is present shall be competent to carry out all the objects of the Association and to exercise all its powers as herein stipulated.

(20)

ALLOTMENT OF PLOTS OF LAND

No plots of land shall be allocated to individual members for their own exclusive use. The farm shall be utilized for the use and benefit of the members as a whole in accordance with the rules as determined by the Association in a general meeting referred to on paragraph 9.3.

(21)

FINANCE AND RECORDS

21.1 The financial year of the Association may not exceed twelve (12) calendar months and shall begin on 1 March and terminate on 28 or 29 February (as the case may be) of the following year, and financial accounts shall be prepared at the end of each financial year.

21.2 At the annual general meeting of the Association a budget of the Association shall be adopted for the income and expenditure for the ensuing financial year, and no funds shall be disbursed other that in accordance with such budget, provided that the members may be resolution in general meeting amend such budget from time to time.

21.3 The Committee shall ensure that proper books of account of the Association are kept and such books, together with all other papers and documents connected with or relating tot he Association, shall be kept at such place as may be agreed upon by the Association free of charge for the purposes of inspection or the making of copies thereof.

21.4 Such records, books of account and financial statement shall be audited annually by a certified independent practicing chartered accountant. Every auditor of the Association shall be entitle to require and obtain from the Committee, and such information and explanations as may be necessary for the performance of the duties of the auditor.

21.5 All monies received by or on behalf of the Association which have not been invested shall immediately upon receipt be deposited in the name of the Association with a bank Registered in terms of the Banks Act 1990 (Act NO. 94 of 1990), or a mutual bank registered in terms of the Mutual banks Act, 1993 (Act No. 124 of 1993), or with the Post Office savings bank contemplated in section52 of the Post Office Act, 1958 (Act No. 44 of 1958) or such other institution as may be approved by the Director General.

21.6 The Association may not purchase or acquire for consideration shares other than shares which are listed on a licensed stock exchange as defined in the Stock Exchange Control Act, 1985 (Act No. 1 of 1985).

21.7 All payments to be made on behalf of the Association shall be made by cheque drawn on such banking account or on one of such banking accounts of cheque issued by the mutual society of financial institution with which a particular account is operated except for payments of a petty cash nature.

21.8 Deposits and withdrawals to or from banking account/s shall be upon the signatures of the Chairperson, Secretary and Treasurer then acting or their duly authorised representatives.

21.9 All matters relating to the finances of the Association shall comply generally with principles of accountability and transparency.

21.10 The Association shall at a general meeting, using principles of fairness and equity, decide on the distribution and division of profits to members including the responsibility and apportionment of working expenditure.

LEGAL CAPACITY OF THE ASSOCIATION

22.1 The Association shall have power to sue or be sued.

22.2 The Association shall have the capacity to acquire rights and incur obligations in its own right, in accordance with this Constitution and the Act.

22.3 The Association shall have the capacity, for the purpose of the implementation of the objects of the Association and subject to the terms of this constitution and the Act and the common law :

22.3.1 to acquire immovable property and real rights therein;

22.3.2 to encumber such immovable property or real rights by mortgage, servitude, or lease or in any other manner; and

22.3.3 to alienate or dispose of such immovable property or real right;

22.3.4 from time to invest all or any part of the Association's property with financial institutions referred to in paragraph 21.5 or in shares listed on a licensed Stock Exchange as defined in the Stock Exchange Control Act, 1985 or in investments secured by first or further mortgage or notarial bonds over immovable or movable property, and to realise and vary any such investments from time to time;

22.3.5 to survey, sub-divide, plan, improve, develop and upgrade any immovable property acquired by it;

22.3.6 to raise, accept and acquire, for the purpose of the Association, monies, gifts, bequests or payments from any person, firm, company or association of persons, that may be raised, given bequeathed or paid to it as an acquired shall be deemed to form part of the Association's property to be administered and dealt with subject to the terms of this constitution, including the compliance with any conditions subject to which any monies are paid to the Association, provided that the Association shall not accept any donation which is unilaterally revocable at the instance of the donor thereof, or which seeks to impose a condition on the Association which is inconsistent with the terms and conditions of this constitution;

22.3.7 to borrow from time to time such sums of money on such terms and conditions as it considers fit, with power from time to time to consent to any variations or alterations of the terms of any such borrowing and to secure such borrowing or any other obligations of the Association by the mortgage or pledge, either generally or specially, of any asset constituting a portion of the Association's property and, if considered fit, to borrow afresh on security or otherwise for the purpose of repaying any such borrowings;

22.3.8 from time to time, to disburse the funds of the Association, or any portion thereof, in accordance with the provisions of this Constitution in order to achieve the objects of this constitution and in accordance with any condition which may be attached to such funds.

22.3.9 to open and operate accounts in banking institutions, building societies and other financial institutions referred to in paragraph 21.5, and to utilise such accounts for the purpose of the Association;

22.3.10 To employ staff, agents and other people (either casually, temporarily, permanently or on secondment) to carry out the objects of the Association upon such terms and conditions as it may from time to time consider desirable, to terminate such employment or agency, and, to pay their salaries, fees, commissions, remuneration and other charges out of the funds of the Association;

22.3.11 To call in, recover, collect and sue for all monies owing to the Association, to institute or defend legal proceedings and to sign all deeds, powers of attorneys and other documents that may be necessary for any purpose;

22.3.12 To sign and execute transfer and cessions of property, bonds, consents to cancellations of bonds, leases, servitudes and other deeds and powers of attorney relating thereto, and generally all documents of any nature whatsoever as may be necessary from time to time in connection with the acquisition, realisation, disposal or encumbrance of assets of or from the Association and the carrying out of the terms of this constitution;

22.3.13 To enter into contracts and to adopt and to accept benefits under contracts entered into for the benefit of the Association;

22.3.14 To allow time for the payment of any debts due to it and to grant credit in respect of the whole or any part of the purchase price arising on the sale of any assets constituting a portion of the Association's property in either case with or without security and with or without interest, as it may determine;

22.3.15 To make secured or unsecured loans or donations to any person or persons, including an association of persons, for any purpose consistent with the objects of the Association;

22.3.16 To enter into partnerships, voluntary associations, joint ventures and similar contracts and relationships to better achieve the objects of the Association, and to exercise all the rights and duties arising therefrom;

22.3.17 To appoint auditors to the Association and to fix their remuneration;

22.3.18 Subject to the Act and this constitution, to found any trust, to be party to the incorporation of any close corporation or company and to be a member of or shareholder in any close corporation or company;

22.3.19 To do all things reasonably ancillary to the aforegoing powers in order efficiently and effectively to achieve the objects of the Association.

22.4 The Association and members have a legally binding agreement pursuant to the terms of the constitution.

(23)

DISPUTE RESOLUTION

In the event of any disputes between the members the disputes may, at the request of any party to the dispute, be referred to the Committee who shall hear all parties to the dispute. The Committee shall mediate the dispute. Should all parties agree thereto in writing, the decision of the Committee shall be final and binding on all parties to the dispute.

(24)

IDEMNITY

24.1 Subject to the provisions of any relevant statute, each Committee member and all other office bearers shall be indemnified by the Association in respect of authorised acts done in good faith on its behalf, and it shall be the duty of the Association to pay all reasonable and necessary costs and expenses which any such person may have incurred or become liable for in implementing the resolutions of the Association, by reason of any contract entered into, or act or deed carried out by him or her, in such capacity as Committee member or office bearer, in *bona fide* discharge of his or her duties on behalf of the Association and with its authority.

24.2 Subject to the provisions of any relevant statute, no Committee member or office bearer of the Association shall be liable for any negligent act or omission of any Committee member or office bearer, or for having joined in any receipt or other act of conformity, or for any loss or expense suffered by the Association through insufficiency of deficiency of title to the property acquired by the Association; or for the insufficiency of deficiency of any security or upon which monies of the Association shall be invested; or for any loss or damage arising from the bankruptcy, insolvency or delictual act of any person with whom any monies or securities shall have been deposited, or for any loss or damage otherwise occasioned, which might occur in the execution of his or her duties or in relation thereto unless it arises in consequence of his or her dishonestly, or failure to exercise that degree of care, diligence and skill which is required under law.

(25)

REPORTING REQUIREMENTS

The Association shall be obliged at such times as may be prescribed to furnish prescribed documents and information tot he Registration Officer or Director General in order to enable the Registrar to monitor the compliance with the provisions of the constitution and the Act.

(26)

ADMINISTRATION, LIQUIDATION AND DEREGISTRATION OF ASSOCIATION

26.1 The Director General, may, upon written application by the Association, deregister the Association, if he or she is satisfied that :

26.1.1 A resolution in favour of deregistration was adopted at a general meeting with a quorum of not less than 75% of the members of the Association.

26.1.2 The resolution was adopted by a majority of members present at represented at the meeting; and

26.1.3 All relevant matters which reasonably have to be addressed prior to deregistration, including the way in which the assets and liabilities of the Association will be dealt with, have been addressed.

26.2 Unless otherwise ordered by the Court of the Director General, the assets of the Association shall, on dissolution of Association, be sold and, after payment of all debts due by the Association, distributed equally among the members existing at the time of dissolution.

(27)

AMENDMENT

The Association may at a general meeting, pass a resolution to amend this constitution subject to the approval of the members of the Association as signified by a majority vote of not less that 75%. An amendment to the constitution is final and binding on the Association upon compliance with Section 8(10) of the Act.

(28)

DISCIPLINARY MATTERS

28.1 A disciplinary sub-committee will be elected at a general meeting to administer and deal with actions by members who act against the interest of the Association and include forms of misconduct, including corruption, nepotism and other offences referred to in the Act or defined in this constitution.

28.2 The disciplinary sub-committee shall create procedures to ensuring that the principles of natural justice shall apply to any disciplinary action brought against a member of the Association.

28.3 The disciplinary procedures shall be agreed upon by a 75% majority at a general meeting called for this purpose.

28.4 All parties to a disciplinary hearing shall be provided with a written outline of the offence in question and be given at least one week (1 weeks) prior notice of such a hearing.

28.5 The disciplinary sub-committee may impose fines and penalties for certain types of misconduct as described above and as set out in the disciplinary procedures approved at a general meeting by a 75% majority.

28.6 A member of the Association may appeal to the decision of the disciplinary sub-committee and refer this matter to mediation or the Court.

ACCEPTANCE OF CONSTITUTION

The members of the Association hereby accept and hereby undertake (jointly and severally) to carry out the terms and conditions and stipulations contained in this constitution.

Signed and dated at White River *on this* 23 *day of* April *2002*

CHAIRPERSON T A Whitebooi

VICE-CHAIRPERSON

SECRETARY

VICE-SECRETARY

TREASURER

OPERATIONS OFFICER

MEMBERSHIP OF THE MATHEBULA FAMILY FARMING TRUST

NO	Name	I. D. No.
1	Ngobe Daina Hlalaphi	530306 0479 089
2	Sibiya Esther Rassie	730730 0398 080
3	Sibiya Sibongile Winny	760402 0635 084
4	Mazibuko Sdudla Elizabeth	630622 0609 080
5	Malumane Josephina Lomasonto	651224 1238 086
6	Maluka Zamile Jane	750404 0989 083
7	Khoza Hluphi Rose	690715 0885 085
8	Sibuya Lilian Sizeni	640111 0254 087
9	Maphanga Gladys Elizabeth	760419 0564 080
10	Mavimbela Hleziphi Phumzile	810215 0785 083
11	Nkosi Tholi Christopher	790113 5293 084
12	Nkosi Charles Fulathela	741004 5502 089
13	Modipane Sailina Assie	470806 0482 084
14	Zitha Virginia Hloliwe	760105 0562 089
15	Nkosi Zeldah Prudence	810104 0544 080
16	Dube Sphiwe	760106 1311 088
17	Mathebula Doris Ntobikayise	740516 0496 083
18	Maile Chris Dzinganabo	790925 5670 080
19	Bulunga Vulinduku Richard	590625 5515 085
20	Bulunga Zandile Susan	800817 0428 085
21	Zitha Zamela Busi	630312 0806 080
22	MBOWANE Ruth Nolutwando	780401 0467 080
23	Nyakane Jane Sibongile	731002 0746 083
24	Nyakane Andrea Senzo	750907 5674 088
25	Mathebula Tshombo thana Aic	571029 0773 083
26	Ubisi Luta Violet	531206 0540 089
27	Ngwenya Madala Richard	650817 5245 089
28	Khumalo Solomon	621006 5756 081
29	Sibiya Jeaneth Prudence	690424 0609 088
30	Mathebula Amari Cindy	810918 0861 081
31	Zitha Ritter Bekine	680420 0748 087

32	Shakwane Eunice Lungile	711215 0906 085
33	Sibiya Zandile Goodness	770808 0693 089
34	Zitha Lola Gladys	660510 0271 089
35	Mazibuko Sikhwabula Samson	611104 5495 081
36	Dzimba Jane Zodwa	721219 0740 088
37	Mabaso Burombe Lajzah	480212 0668 087

APPENDIX 6.10 – CPA Registration

REGISTRATION CERTIFICATE

IN TERMS OF THE COMMUNAL PROPERTY ASSOCIATIONS ACT, 1996

REGISTRATION NO: CPA / 03 / 0513/ A

I, hereby certify that:

THE MATHEBULA COMMUNAL PROPERTY ASSOCIATION

has today been registered as a

COMMUNAL PROPERTY ASSOCIATION, *in terms of section 8(3)*

of the Communal Property Associations Act, 1996 (Act No 28 of 1996)

SIGNED AT PRETORIA ON THIS 24TH DAY OF NOVEMBER 2003

REGISTRATION OFFICER

APPENDIX 6.11 – Offer to purchase Land

OFFER TO PURCHASE

(INCORPORATING AN AGREEMENT OF SALE)

TO : THE SELLER : THE HYLTON AND PAUL FAMILY TRUST

I, the undersigned,

Mrs Tshombotano Aidah Mathebula 5710290773083

Acting as trustee of the MATHEBULA FAMILY FARMING TRUST, to be formed

(hereinafter referred to as the **Purchaser**) hereby offer to purchase through the agency of RAINBOW PROPERTIES (hereinafter referred to as the **Agent**):

FREEHOLD/LEASEHOLD STAND NO/PORTION: 7
SITUATED AT AND BEING: The Farm Kateen 278

(Hereinafter referred to as the **Property**). Subject to all terms, conditions and servitudes mentioned or referred to in the current and/or prior Title Deeds of the said **Property**, and subject to all other restraints, charges and/or encumbrances which may pertain thereto, in the condition and to the extent and dimensions which it now exist; VOETSTOOTS; AND SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. The purchase price is R 735 000-00 (Seven hundred and thirty Five Thousand RAND) payable as follows:

PURCHASE PRICE EXCLUDES VAT.

1.1 Cash on acceptance of this offer R Nil

(RAND) to be deposited in trust with the **Agent** who shall immediately invest the deposit in an interest bearing Trust Account for the benefit of the **Purchaser**. Upon fulfilment of the suspensive condition/s herein the **Agent** shall pay to the **Seller's** Conveyancers the deposit less the commission due to the **Agent** in terms of Clause 5 hereunder, and to the **Purchaser** the interest which has accrued thereon. Payment by the **Agent** as aforesaid shall be a complete discharge of the **Agent's** obligations to pay the balance of the deposit to the **Seller**.

1.2 The **Purchaser** obligation to pay the deposit aforesaid and the rights of the **Seller** and the **Agent** as contained in Clause 6 and 7 hereof in the event of the **Purchaser** failure to pay such deposit shall not be dependent upon fulfilment of the suspensive condition contained in Clause 5 hereof or any other suspensive or resolutive conditions contained herein.

1.3 The balance of R 735 000— (Seven hundred and Thirty Five Thousand RAND) shall be payable in cash free of exchange at WHITE RIVER against registration of transfer of the **Property** into the name of the **Purchaser**, to be secured by an acceptable and approved guarantee by a registered deposit-taking institution or other approved financial institution in favour of such person/s as the **Seller** may stipulate to be delivered to the **Seller's** Conveyancers within 120 (one hundred and twenty) days of acceptance of this offer. *The **Seller** declares that he is/is not a registered vendor in terms of the Value Added Tax Act of 1991 (as amended).

2. All the benefits and risks of ownership of the **Property** shall be given and passed to the

T.A.M.

6.11

Purchaser on Registration from which date the **Purchaser** shall be entitled to the rent, if any, accruing from the **Property**, and shall be liable for all rates and taxes and other imposts levied upon the **Property**.

3. *Occupation of the **Property** shall be given to and taken by the **Purchaser** on registration of grant. Should the date of registration of transfer not coincide with the date of occupation, the party enjoying such occupation whilst the **Property** is registered in the name of the other party, shall pay to him in consideration of, and for the period of such occupation, a rental of R Nil (RAND) per month, payable monthly in advance, directly to the **Seller** or his nominee. The **Purchaser** shall be obliged to vacate the **Property** upon cancellation of the **sale** for any reason whatsoever, it being agreed that no tenancy shall be created by having taken occupation prior to transfer; OR

*The **Purchaser** acknowledges having been informed that the **Property** is let to tenants and that this purchase is subject to the tenants rights under such tenancy and/or the Rents Act No. 80/1976 as amended. The **Seller** accordingly gives no warranty that the **Purchaser** will be able to obtain physical occupation of the **Property** by any particular date.

4. Transfer of the **Property** shall be effected by the **Seller's** Conveyancers and all costs of transfer including Transfer Duty and Stamps, shall be paid by the **Purchaser** immediately upon request by the Conveyancer. (or V.A.T. which ever is applicable)

5. This offer is made subject to a grant of R735 000,00 (SEVEN HUNDRED AND THIRTY FIVE THOUSAND RAND) by the Republic of South Africa Government

Failure on the part of:

5.1 The **Purchaser** to sign any application for a Bond or Bonds or any other documents necessary to procure the granting or registration of such Bond or Bonds, and to furnish relevant information or to pay the costs of or incidental to registration of any Bond or Bonds; or

5.2 any person nominated to sign a Deed or Deeds of Suretyship as contemplated above to sign such Deed or Deeds of Suretyship or to furnish relevant information upon demand by the Seller, the **Agent** or any prospective Bondholder, shall constitute a breach hereof by the **Purchaser** within the meaning of Clause 7, hereof or alternatively shall - at the option of the **Seller** - entitle the **Seller** to regard Clause 6, hereof as having been duly fulfilled.

6. **Agent's** commission of R 35 000 - % (plus Value Added Tax) of the purchase price shall be paid by the **Seller** provided that should the **Purchaser** fail to carry out his obligations in terms hereof, the **Agent** shall have the right to recover such commission from him. It is recorded that should this sale be cancelled by mutual consent or unilaterally by the **Seller**, the **Agent** shall still be entitled to commission. **Agent's** commission shall be the first charge against the deposit referred to in Clause 1.1 hereof and shall be deemed to have been earned on acceptance hereof, and payable upon fulfillment of suspensive conditions herein. The **Agent** shall be entitled to cede part of its claim for commission and part of its right to deduct such commission from the aforesaid deposit. The **Seller** hereby irrevocably instructs the Seller's Conveyancers to pay the commission or the balance thereof to the **Agent** out of the proceeds of this sale.

7. 7.1 Should the **Purchaser** breach or otherwise fail to comply with any of the terms and conditions hereof and remain in default for a period of 7 (seven) days after receipt of notice requiring such default to be remedied, the **Seller** shall be entitled - without prejudice to any other rights he may have at law - to cancel this Agreement forthwith and receive or retain as rouwkoop or as a genuine pre-estimate of damages or on account of any pending determination by a Court of the actual damages sustained, the balance of the deposit and any other monies paid by the **Purchaser** after deduction of the

commission payable to the Agent in terms of Clause 8, hereof.

7.2 The Seller, the Purchaser and the Agent do hereby, in terms of Section 45 of the Magistrate's Court Act, consent to the jurisdiction of the Magistrate's Court in regard to any action which may have to be instituted arising out of this Agreement. Notwithstanding the aforegoing, the parties or the Agent shall be entitled to institute any action in the Supreme Court.

8. The Property is sold with all fixtures of a permanent nature which the Seller warrants are fully paid for and owned solely by the Seller, including:
Two dwellings, pig sties, chicken runs; all water pumps, Silo's, Feeding and drinking equipment.
EXCLUDING ABATTOIR, STEEL STRUCTURES, FIXTURES AND FITTINGS RELATING TO ABATTOIR

9. This offer is irrevocable and expires at ____h_____ on _____ and when accepted by the Seller shall constitute the entire contract between the parties and no representations made by, or on behalf of, either party shall be of any force or effect unless written into this Agreement.

10. The parties hereto choose domicilia citandi et executandi for all purposes hereunder at their present addresses stipulated in the information section at the foot of this Agreement. All notices required to be given by one party to the other shall be in writing and shall be deemed to be received by the addressee on the third day following the posting thereof by prepaid registered post or on the date of delivery thereof if delivered by hand.

11. Should a dwelling suitable for the Purchaser's residential purposes exist on the Property, the Seller shall before the date of registration of transfer of the Property in the Purchaser's name, at his cost, deliver to the Purchaser a Certificate of Compliance issued by a qualified electrician in terms of the regulations promulgated under Act 8 of 1993. The Seller undertakes not to make any changes in respect of the electrical installation in the Property after delivery of such certificate.

12. The parties hereby grant permission to the Agent to display a "Sold" sign on the Property for a period of 6 (six) months after signing of this Agreement.

13. The Purchaser acquiesces in the fact that the Seller has no responsibility in the fact that the Seller has no responsibility or accountability towards the Purchaser should a land claim exist or has been lodged against the Property or any other property of which the Property may be a portion. The Seller shall assist the Purchaser with the completion and/or submission of whatever documentation the Purchaser may need in this regard, should the Seller be able to provide such assistance, but the Seller shall have no financial responsibility towards the Purchaser at all.

14. Should the Purchaser sign this document in any representative capacity or on behalf of a corporate body to be established or registered, the Purchaser shall be liable towards the Seller in his personal capacity, should such representation not be confirmed by his principal or corporate body not be registered within 90 (sixty) days from the date of this offer.

15. ~~Section 29A of the Alienation of Land Act 68 of 1981 applies to this agreement. Accordingly~~, notwithstanding any other clause in this agreement, the Purchaser has the right to revoke this offer or terminate this agreement by written notice to be delivered to the Seller, or his or her Agent, on or before _____. Such notice will have no effect unless it:

(a) is signed by the Purchaser or his or her ~~Agent~~ acting on his or her authority;

(b) refers to this offer or agreement as the offer or agreement that is being ~~revoked or terminated, as the case may be~~; and

T.A.M.

APPENDIX 6.12 – Correspondence trail between DLA and the State Agent

DATES	ACTIVITIES
14th February 2002	Sales Agent to DLA (Grant)
8th August 2002	Sales Agent to DLA (Sale) confirming approval of grant
6th August 2003	Sales to DLA (Concern about the registration of property)
12th December 2003	Sales to DLA submission of sale agreement
11th February 2004	Sales Agreement amended (Sales Agent to DLA)
7th May 2004	Sales agent to DLA requesting certified documents
18th May 2004	Document sent by DLA
31st May 2004	Sales Agent to DLA (Transfer documents for signature sent)
9th June 2004	DLA to Sales Agent
14th June 2004	Tax invoice from attorneys to DLA
6th July 2004	Sales Agent to DLA (requesting payment)
14th July 2004	Authorize transfer of property & payment in 7 days (DLA to Sales Agent)
20th August 2004	Confirm registration & require payment (Sales to DLA)
30th August 2004	Deed of Sales sent to DLA

APPENDIX 6.13 TRAC letter to DLA identifying the project

DEPARTMENT: LAND AFFAIRS
REPUBLIC OF SOUTH AFRICA

The Rural Action Committee
TRAC – Mpumalanga
P.O.Box 98
Nelspuit
1200

Dear Madam

RE: REPLACEMENT OF SELLECTED REDISTRIBUTION PROJECT FOR THE MMMPP.

The Ehlanzeni Land Reform Office recommends that the project Amazing Farmers be replaced with Mathebula Family Farming project situated between Nelspruit and White River. The project is LRAD funded, most members are women , it has not yet been transferred but the guarantee has been issued for the purpose of transfer.

Should you need more information about the project do not hesitate to call Ms Fundile Xhakaza at (013) 752 2064.

Yours sincerely

Mr Sam Nkosi
Department of Land Affairs
Directorate: Settlement and Policy Support
22/04/03

24 Apr 2003

APPENDIX 6.14 – Sunday Times Article (17.07.2005)

ANC bigwigs in dodgy Land Bank loan deal

Sunday Times 17/07/2005

WISANI wa ka NGOBENI

QUESTIONS have been raised over a massive loan made by the Land Bank to fund a BEE purchase with lofty political connections at a time when rural community projects were battling to get access to funds.

The state-owned Land Bank funded the buyout of a food empire for a company in which ANC secretary-general Kgalema Motlanthe and presidential adviser Manne Dipico have a stake.

The Land Bank provided R800-million to Pamodzi Investment Holdings, enabling the company to buy the remaining 49% it did not already own of Foodcorp, one of Africa's largest food firms — and one whose core business is not agriculture.

The Pamodzi deal was the first large empowerment deal to be financed by the Land Bank — and was questioned by the bank's own auditors, Ernst & Young, the Sunday Times has established.

The firm was concerned about the bank having overexposed itself by lending such a large amount to a single entity.

The R800-million constituted more than 40% of the bank's reserves. The norm is for the bank to limit its exposure at between 15% and 20% of its reserves per client.

After concerns were raised, the Land Bank's board issued a directive to the bank's management to review its prudential limits and to approach some of its clients to reduce the amounts of loans made.

The bank confirmed this week that in January this year its operations department had told Pamodzi it intended renegotiating the deal with a view to reducing its R800-million exposure. The money was repaid last month.

Pamodzi, however, says it was never approached to repay the money earlier, but had done so — after the Land Bank raised the red flag — because it had obtained cheaper finance elsewhere.

At the time of the deal Motlanthe and Dipico had a stake in Pamodzi through the Pambi Trust, which owns an 8% stake in the company through a "special purpose vehicle" called Shady Grove.

The two men are beneficiaries of the trust, and not trustees; Pambi's trustees are either executives or directors of Pamodzi.

Pambi Trust had its share of financial woes during the Pamodzi transaction. In 2000, Pambi paid a 10% deposit for 15,8% of Pamodzi, valued at R17-million at the time.

But by May this year, Pambi was about to lose its stake, having failed to come up with the balance.

Rand Merchant Bank came to their rescue, buying Pambi's entire stake in Pamodzi — then worth about R22-million — and transferring an 8% stake in Pamodzi to Pambi as fully paid up shares.

Motlanthe, Dipico and other beneficiaries of the trust, in effect, increased their ownership of the initial holding from 10% to 50%, without spending any more money.

Pamodzi, founded in 1996 by a group of black entrepreneurs, said this week that Motlanthe and Dipico were "not actively involved in any Pamodzi business".

Speaking through its lawyers, Werksmans Attorneys, Pamodzi said there was nothing wrong with the funding transaction.

The company also said that "neither Motlanthe nor Dipico knew of the transaction while it was taking place".

The company's lawyers also added that the beneficiaries had not yet received "any dividends or benefit from their indirect shareholding".

Yesterday, the bank said it "rejects any suggestion that it was unduly exposed at the time the loan was granted or that there was undue risk involved".

The bank funded Pamodzi's deal at the time when hundreds of desperate farmers were battling to get funding for tractors, seeds, shovels, and fertilizer.

The Sunday Times has found that at least one community farming project suffered as a result of not getting funding from the bank.

The Mathebula Communal Property Association in Mpumalanga applied for a R110 000 loan from the Land Bank in April last year — the same month that Pamodzi received its funding.

Approval for funding for this community project eventually came 11 months later, in March this year — and the community has still not received a cent.

"The project needs the money to buy, among other things, chicken stock, and feeding trays," said Ida Mathebula, chairman of the project.

The Land Bank is a public entity responsible for rural development and financing of established and emerging farmers. It reports to Minister of Land Affairs Thoko Didiza.

Pamodzi's acquisition, Foodcorp, makes Dogmore, Glenryk Pilchards and Yum Yum peanut butter.

Neither Motlanthe nor Dipico responded to several requests for comment. — *Additional reporting by Dumisane Lubisi and Dominic Mahlangu*

6.14

APPENDIX 7.1 - Comparison of Legal Entities

CPA VS TRUST

	CPA	TRUST
Purpose	To create a framework to match traditional system of Association	Existed traditionally as a mechanism for formalising Associations
Registration	Free. Administered by DLA with assistance from Project Officer (PO)	Costly. Registered with Master of Supreme Court with attorneys' assistance
Amendment	Mass meeting with PO	Mass meeting with attorney
Management / operations	Leadership has limited decision-making powers	All decisions may be vested with Trustees
Financial / reporting	To provide annual financial report to DLA	To provide annual audited reports
Mediation / Conflict resolution	Director General (DG) of DLA can appoint mediator	By Trust
Accountability	To membership and DG of DLA	To Board of Trustees and Master of Supreme Court
Purpose	To create a framework to match traditional system of Association	Existed traditionally as a mechanism for formalising Associations

Table A.13: Comparison of Legal Entities - Adapted (TRAC-MP MMMPP 2005:21)

APPENDIX 7.2- LEADERSHIP STRUCTURE (2004)

NAME	POSITION	GENDER
Aida Mathebula	Chair Person	Female
Herry Mathebula	Deputy Chair	Male
Andrea Nyakane	Secretary	Male
Eunice Shakoane	Deputy Secretary	Female
Jane Nyakane	Deputy Treasurer	Female
Zandile Bulunga	Additional	Female
Zandile Sibiya	Additional	Female
Richard Bulunga	Additional	Male
Cyndy Mathebula	Additional	Female
Jeneth Sibiya	Additional	Female

Table A.14: Mathebula 'Original' Committee From TRAC-MP (As At 2004)[1]

[1] It is believed that this comprehensive list was as a result of the organisational development work of the NGO

APPENDIX: 7. 3- LEADERSHIP STRUCTURE (2005)

POSITION	NAME	GENDER	AGE	MARITAL STATUS	EDUCATION LEVEL
Chairperson	T.A. Mathebula	Female	48	Divorced	Standard 4
Treasurer	Ruth Mbowane	Female	Not Provided	Not Provided	Not Provided
Deputy Treasurer	Jane Nyakane	Female	32	Married	Standard 10
Secretary	Zandile Bulunga	Female	25	Married	Standard 9
Deputy Secretary	Eunice Shakoane	Female	34	Married	Standard 10
Additional	Zandile Sibiya	Female	28	Single	Standard 9
Additional	Richard Bulunga	Male	46	Married	Standard 5
Additional	Cyndy Mathebula	Female	24	Single	Standard 9
Additional	Jeneth Sibiya	Female	35	Married	Standard 10

Table A.15: The Mathebula Committee Members (as at 2005[2]).

[2] According to Land bank's official documents, these are regarded as the active members of the project, although the official documents still reflect the old members and no community resolution was undertaken

APPENDIX: 7. 4- List of Training Programmes

TRAINING PROGRAMME	DESCRIPTION	INSTITUTION OFFERED	BENEFICIARY
Leadership	How to run a meeting, basic conditions of employment and how to use a CPA to manage land as a community	DLA	Committee
Administration	Book keeping and basic accounting	TRAC-MP	Sydwell
Basic Management for entrepreneurs	Financial management, personnel management, and marketing,	Skills for Africa	
Poultry training	Field visits to other projects	TRAC-MP	Committee
HIV/AIDS	Awareness campaign and how to deal with victims	TRAC-MP	Aida
Gender awareness workshop	Encourage participation of women in leadership structure	DLA	All Project members
Farm management	3 year course	College of Agriculture	Jane
Perma-culture Farming	Organic farming techniques.	TRAC-MP	Aida, Jane and Sydwell

Table A.16: List of Training Programmes

APPENDIX 7.5 - Example of Lessons Learnt

"Although the presentation and practical experience was exciting, myself and others had an opportunity to talk to one of the members. This man told us exactly what his experience has been. The farm was bought by through their names. A white manager was appointed to transfer skills of managing the farm. In the process they realized that they were treated as employees, who get paid at the end of the month. They do not have an idea of the profits in the farm, how the farm is managed. All they know is to sign papers for loans to be arranged. At some stage, this man had mobilized others in the farm not to sign papers, but all of a sudden he realized that he was the only person that was left and he signed because he did not want to be fired.

There was a similar experience in another farm. A black lady manager bought a beautiful car worth R220, 000 and she was complaining that she did not have money to pay the labourers at the end of the month. As far as I am concerned, you government people are oppressing us, first you give us grants to buy farms, and then you want us to appoint farm managers who exploit us, and no one cares about us at the end... *Hai uhulumeni uyasihlupha, uyasi hlukumeza!"* (Government is abusing us).

Figure A.19: An Example of Lessons Learnt from Training Opportunities - Extract from Aida's interview (15th June 2004)

APPENDIX 8.1 - Factors Affect Women's Access to Land

FACTORS AFFECTING WOMEN'S ACCESS TO LAND

CATERGORY	CONSTRAINTS	ENABLING FACTORS
Specific to the case study	• DLA officials capacity to handle conflict • Limited / lack of feedback mechanism to members • Lack of capacity building on CPA vs. Trust • Delay in CPA registration • Lack consultancy management • Lengthy time frame • Lack of communication strategies (letter, field visits, telecommunication etc) • Eroding relationship between project officer and members • Internal conflict within TRAC-MP • Inactive project members	• The white farmer's (John) relationship with Aida • The 'illegal' occupation • Aida's confidence • Connection with lawyers • Aida's confidence in dealing with officials • Knowledgeable and committed mentorship coordinator • NGO intervention with DLA processes • The NGO's mentorship program • Aida's persuasion strategies (e.g. 'sit-in', 'knock on the door', clothes off') • Aida's self confidence • Family support • Aida's experience in farm management and business skills • Social network
General to implementation of projects	• Relationship management between project officer and beneficiaries • Bureaucratic processes of approval • Unclear role of Provincial Committee • Lack of capacity in business plan development • Lack of information to members about the internal processes (CPA registration, title deed registration etc) • The lack of capacity by consultants to develop appropriate business plans • Internal conflicts • Lack of skills in farm management • Lack of mentoring and support of project management	• The family as an organising unit • The legal intervention • Training needs assessment • Technical skills training • Development of a constitution • Committed officials • NGO's role in project implementation and support to members (advice, etc) • Internal cooperation among beneficiaries (management and project members)

CATERGORY	CONSTRAINTS	ENABLING FACTORS
General to government management of projects	• Lack of monitoring tools for project management within DLA • Lack of coordination between DLA, DoA and Land Bank • Lengthy time frames • Unclear NGO's role in the land sector • Inadequate funding •	• Legal framework • Clear procedures for implementation • Formation of decentralised structures
Gender specific	• Poor conceptualisation of gender equality in policies • Lack of national guidelines on' how to do' (tools) gender empowerment' in projects • Lack of gender analysis on progress made • No gender monitoring and evaluation in place on projects • Patriarchal attitudes within institutions and society • Priority on service delivery over gender equality • Quantitative vs qualitative evaluation of progress • No strong women's movement in South Africa • Representation of women in Parliament problematic	• Assertiveness and self confidence in women • Constant support and advice • Access to information • Advocacy of NGOs, feminists and civil society

Table A.17: Factors Which Affect Women's Access to Land