



The **United Nations Research Institute for Social Development (UNRISD)** is an autonomous agency engaging in multidisciplinary research on the social dimensions of contemporary problems affecting development. Its work is guided by the conviction that, for effective development policies to be formulated, an understanding of the social and political context is crucial. The Institute attempts to provide governments, development agencies, grassroots organizations and scholars with a better understanding of how development policies and processes of economic, social and environmental change affect different social groups. Working through an extensive network of national research centres, UNRISD aims to promote original research and strengthen research capacity in developing countries.

Current research programmes include: Civil Society and Social Movements; Democracy, Governance and Human Rights; Identities, Conflict and Cohesion; Social Policy and Development; and Technology, Business and Society.

A list of the Institute's free and priced publications can be obtained by contacting the Reference Centre.

UNRISD, Palais des Nations  
1211 Geneva 10, Switzerland

Tel: (41 22) 9173020

Fax: (41 22) 9170650

E-mail: [info@unrisd.org](mailto:info@unrisd.org)

Web: <http://www.unrisd.org>

Copyright © United Nations Research Institute for Social Development

This is not a formal UNRISD publication. The responsibility for opinions expressed in signed studies rests solely with their author(s), and availability on the UNRISD Web site (<http://www.unrisd.org>) does not constitute an endorsement by UNRISD of the opinions expressed in them. No publication or distribution of these papers is permitted without the prior authorization of the author(s), except for personal use.



*United Nations Research Institute for  
Social Development  
(UNRISD)*

**PIETY IN THE SKY? GENDER POLICY AND LAND REFORM  
IN SOUTH AFRICA**

Research Report, Phase Two of the South African Case Study

Paper Prepared for the UNRISD Project on Agrarian Change,  
Gender and Land Rights

**CHERRYL WALKER**

***\*\*\*DRAFT NOT FOR CITATION\*\*\****

**July 2001**

---

## CONTENTS

INTRODUCTION.....	4
Structure of the Report.....	5
Applicability of the case study approach .....	7
SECTION ONE: GENERAL CONTEXT .....	9
Land reform in the first phase, 1994 - 1999 .....	11
Land reform since 1999 .....	15
SECTION TWO: DLA'S NATIONAL GENDER POLICY FRAMEWORK.....	20
Gender equity as a high-level policy goal.....	21
Commitments not followed through in 'second-tier' policy documents.....	22
Inadequate conceptual and operational tools.....	23
Institutional weaknesses .....	27
Little political accountability for gender policy.....	28
SECTION THREE: IMPLEMENTATION OF DLA'S GENDER POLICY IN KWAZULU NATAL .....	30
Land reform in KwaZulu Natal since 1995 .....	30
Gender and land reform in practice in three land reform projects.....	37
Case study 1: Mahlabathini .....	37
Case Study 2: Ntabeni.....	44
Case Study 3: The Gorge.....	51
SECTION FOUR: CONCLUSION .....	58
Limitations and limited gains .....	58
Defending and extending the gains.....	63
SOURCES.....	67

# INTRODUCTION

---

In April 1997 the Minister of Land Affairs approved a 'Land Reform Gender Policy' framework document '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 the land' (Department of Land Affairs, 1997: 2-3). This Framework committed the Ministry and Department of Land Affairs (DLA) to a wide-ranging set of Guiding Principles intended to 'actively promote the principle of gender equity' in land reform; it included mechanisms for ensuring women's full and equal participation in decision-making in land reform projects; communication strategies; gender-sensitive methodologies in project identification, planning and data collection; legislative reform; training for both beneficiaries and implementers; collaboration with NGOs and other government structures, and compliance with international commitments such as the 'Beijing Platform for Action' (adopted in 1995 at the Fourth World Conference on Women) and the United Nations' Convention on the Elimination of all Discrimination Against Women (CEDAW) (which South Africa had ratified in 1995).

Three and a half years later, DLA officials participating in an internal 'Gender Best Practices' workshop in the KwaZulu Natal provincial office complained that 'gender' was not regarded as part of the core business of the Department - 'Gender is not a killer issue,' said one participant. 'The Department would not walk away from a project where you are not getting cooperation around gender issues' (Research notes, Workshop, 24.10.2000).

The disjuncture between what is said in formal policy documents about promoting gender equity in and through land reform and what happens to gender policy 'on the ground' lies at the heart of the research project that is reported on here. This Report has two main concerns. The first is to examine the degree to which there is a disjuncture and try to understand why this should be the case. To what extent has the aim of creating an enabling environment for women to 'access, own, control, use and manage' land been realised? How has the Gender Policy of the DLA been managed and implemented? Why do gender activists within and without the Department feel gender concerns are peripheral and not part of the active 'core business' of land reform? Is this view justified and how might dynamics in the wider society be interacting with and complicating the gender policy goals of the DLA? Is it fair, is it helpful, to say that the commitment to gender equity has been honoured more in the breach than in the execution - has remained at the level of lofty, high-level principles, a kind of 'piety in the sky' that has not been translated into vigorous, (grounded) action in the field? And if, as this Report argues, this is, largely, the case - why this recurring gap between policy and implementation, principle and practice?

The second focus of this Research Report is to draw together ideas emerging from this work and that of others to try to address the question: How can the commitment to gender equity be more effectively championed both at the policy level and within the land reform programme as it is implemented in the different regions of the country? More specifically, what can be done to ensure that women and men benefit from the state's land reform programme on a more equitable basis, in a way that supports rather than confounds the broader societal commitment to eliminating widespread social inequalities and poverty in the rural areas, including centrally, but not exclusively, the gendered dimensions of this?

This component of the research is framed by an appreciation of how challenging such an exercise is, also how limited an intervention one research project, commissioned outside the ambit of the responsible government agencies, can expect to make around both policy and practice. It is relatively easy to critique the frequently self-evident weaknesses and failures of policy formulation and implementation, especially when measured against the ambitious objectives. Serious alternatives are, however, harder to craft - particularly because, as this Report argues, rural women's social subordination is multi-factorial, its eradication multi-sectoral, involving many players. It is unrealistic - misconceived - to expect any one aspect of government policy, such as land reform, or any one agent of government, such as the DLA, to

resolve all of society's contradictions and shortcomings with regard to gender relations through its line-function responsibilities. Yet this often seems to be the unspoken mandate of the DLA that is implicit in many of the criticisms of its achievements. Inflated expectations are certainly evident in the aspirations of many gender activists for land reform to serve as a catalyst for the substantial reordering of gender relations in rural society, as well as in the deep disappointment they express at what has been realised to date.

One of the general points this Report wishes to make is how overburdened the land reform programme is, labouring under unrealistic expectations from the public of what it can achieve on its own in transforming social relations and ushering in the just, productive, sustainable and tolerant society envisaged by the *White Paper on South African Land Policy* (DLA, 1997a; henceforth the '*White Paper*'). Truly synergistic policy interventions across different government programmes remain elusive. Furthermore, as this Report will argue, much of the real work of transforming gender relations in land reform projects comes after the DLA has 'exited' the project, which is after the land has been transferred to the newly created legal entity that is to hold that land. In large measure, of course, the pressure on DLA to exit a project as soon as possible after the transfer of the land is because of the very real political pressure on the government to speed up the pace and scope of its land reform programme. Since 1994 there has been a deep tension within the DLA's operation between its commitment to significant social transformation, on the one hand, and its desire to speed up land redistribution (measured most commonly in blunt numeric indicators of hectares and total beneficiaries) on the other.

### **Structure of the Report**

This Report pulls together the findings from a multi-pronged research project that combines an assessment of the land reform policy at the national level with an investigation of the way in which the national gender policy has been operationalised in one province, that of KwaZulu Natal. The discussion on KwaZulu Natal is based on a study of how the policy has been managed in the provincial office of the DLA and in three particular land reform projects in the province (Mahlabathini, Ntabeni and The Gorge); this component includes a limited consideration of the role of some provincial and local government structures and NGOs as well.

The discussion is organised as follows:

- 1 Section One summarises the general context for land reform and gives a brief overview of the ANC government's land reform programme since 1994. This Section derives from a more detailed 'Background Report' on land reform in South Africa that I have already prepared as Phase One of the research project; the reader is referred to this Report (Walker, 2000) for a fuller account of the context for land reform and of policy developments since the early 1990s.
- 2 Section Two examines the DLA's formal commitment to gender equity as a policy goal at the national level, drawing largely on official policy documents, interviews with key informants, and personal observations arising from participation in some internal DLA processes and debates. This work is also informed by my field research and engagement with the views of other researchers and observers.
- 3 Section Three looks at how the policy of gender equity has been implemented and with what results on the ground, using as its prism developments within the KwaZulu Natal provincial office and the three projects chosen as case studies in this province. This section is also based primarily on interviews, with DLA and other officials, land reform beneficiaries and NGO staff, and an analysis of relevant documents and processes.<sup>1</sup>

---

<sup>1</sup> Interviews with officials were conducted by myself. Interviews and group discussions with land reform beneficiaries were undertaken on my behalf by Sizani Ngubane, of the Association for Rural Advancement (AFRA), with the assistance of Nomusa Sokhela. Their contribution to the success of this project is gratefully acknowledged.

- 4 Finally, Section Four draws some general conclusions about the way in which the DLA's policy commitment to gender equity is impacting on the position of poor, rural women and the implications of this research for the current phase of land reform, with its re-directed emphasis on black commercial farmers. It makes certain proposals about how to give the prominent commitment to gender equity in 'first-tier' policy documents greater force further down the policy stream - to move from the current situation of 'piety in the sky' towards one of more substantial progress on the ground.

The focus is on the land redistribution programme and to a lesser extent that of tenure security, the two land reform programmes that have been the primary responsibility of the DLA.<sup>2</sup> Redistribution was designed around the compelling need to address high levels of landlessness among the black majority, as well as the huge disparities between black and white members of society in terms of land ownership and related rights and opportunities. Tenure security encompasses the related need to secure and/or upgrade the very precarious rights in land many black people exercise, either on land that is owned and/or controlled by others (affecting, in particular, the different categories of workers and tenants living on privately-owned farm land), or, more controversially, on land in the 'communal areas' (formally state-owned land, in the former bantustans). Here various permutations of customary law prevail, generally under the control or patronage of a system of *amakhosi* (traditional 'chiefs' sanctioned by the authorities) and Tribal Authorities.

The third land reform programme, that of land restitution, has not been directly researched for this project. Restitution was intended to redress the injustices suffered by those people and communities who were dispossessed of their land rights after June 1913 by the state, in terms of what would today be considered 'racially discriminatory laws and practices'. Thus land claims arising out of the colonial wars and land settlement history before the passage of the Natives Land Act in 1913, which laid the basis on which first the 'native reserves' and then the bantustan/homeland policies of apartheid would develop, are excluded. Primary responsibility for investigating, approving and settling these claims has been assigned to a Land Claims Commission and a Land Claims Court.<sup>3</sup> While this research project has not addressed the gender policy (or lack thereof) in the restitution programme, personal experience suggests that many of the findings made with regard to the other aspects of land reform could be extended to this programme (and possibly even amplified).

---

Interviews followed a basic schedule of issues in an open-ended and informal manner which allowed exploration of specific responses and issues raised by the interviewees. In most cases where interview material is drawn upon in this Report, the identity of the speaker is not given. This has been done to respect the request by many of those interviewed, in both government and land reform communities, that they not be personally named in the text.

<sup>2</sup> Land reform has also extended to the urban areas but this aspect falls outside the scope of the research. For the DLA the major urban issues have been the management and disposal of urban state-owned land and policy relating to land development planning. In the case of restitution, urban land claims, stemming mainly from the enforcement of the Group Areas Act in the 1950s to 1970s, have formed a very large component of the work. About 80% of all claim forms have been filed against urban land; rural claim forms have been far fewer in number but generally involve many more claimants, for much larger pieces of land, because of the group or community nature of many of the claims.

<sup>3</sup> By December 1998, the cut-off date for lodging claims, some 63 500 claim forms had been lodged around the country. According to a report in *The Sunday Independent* on 25 March 2001, by then 12 149 claims had been settled, representing a huge increase since the end of 1999, when the figure stood at 41. However, caution needs to be exercised in interpreting these figures as 1) there is no one-to-one correlation between the number of claims settled and the number of claim forms lodged (in many cases one claim form embraces hundreds of individual claims) and 2) 'settled claim' refers to claims at a number of different stages on the route from agreement on the settlement among the parties to claimants' final occupation of transferred land by claimants or, in the case of cash payouts, final receipt of compensation. There may still be much work for officials after a claim has been officially pronounced 'settled'.

## ***Applicability of the case study approach***

It is recognised that the limited case study approach adopted in the field component of this research means that caution has to be exercised in generalising too freely from these findings to the national picture. This is particularly the case with regard to the specific social dynamics in the three projects described here. Given the different types of land reform projects within the redistribution programme, as well as the huge range in scale and conditions that characterises these projects, the discussion on gender relations and the participation of women in these case studies should be seen as indicative for similar types of projects and illustrative, rather than definitive, of the challenges facing the DLA in trying to promote gender equity through land reform in rural communities.

The differences in the political, economic and social conditions prevailing in each of the nine provinces also means that one cannot simply extrapolate from the experience of the DLA in KwaZulu Natal to that of the other provincial offices. Nevertheless, I believe the findings on the difficulties that are evident in the implementation of formal gender policy by the KwaZulu Natal office of the DLA are revealing of broader trends within the land reform programme and do have national salience. Furthermore, because of the socio-political conditions in the province, a land reform programme that successfully targets poor rural women in KwaZulu Natal will make a considerable impact on national levels of female poverty and landlessness.

For one thing, the findings for the KwaZulu Natal office can be linked back to certain institutional weaknesses in the national office, which can be assumed to impact negatively on all the provincial offices. For another, KwaZulu Natal is a major site of land reform in the country - thus the success or failure of land reform in this one region will have a significant impact both on public perceptions of the success or failure of land reform nationally and on the actual measurements of progress by land reform as a national programme. KwaZulu Natal, with close on 21% of the total population of the country, is the most populous of the nine provinces and one of the more rural, with just under 57% of the provincial population classified as non-urban (Statistics South Africa, 2000: 10-11; 9). The adjusted figures for the 1996 Population Census show that just over one quarter of all South Africans classified as 'non-urban' - the primary targets for land reform - live in this province (Statistics South Africa, 1999: 6). As a result of the legacies of past urban migration patterns and influx control policies<sup>4</sup>, the rural population of the province is (as in other provinces) skewed towards women - in the mid 1990s 54% of the economically active age group (16-64 years) in the rural areas were women (May, nd (1995): 20), with the preponderance of women over men even higher in the former bantustan enclaves within the rural areas.

Rural poverty levels in the province show regional variation but are uniformly high. KwaZulu Natal has the third highest unemployment level (39%) among the nine provinces (Statistics South Africa, 2000: 41). The province also carries the further burden of being the epi-centre of the HIV/AIDS epidemic in the country. AIDS is set to have an increasingly devastating effect on socio-economic conditions, with serious implications for the design of the land reform programme that have yet to be taken on board at a policy level. The AIDS policy that is in place within the DLA focuses primarily on internal, workplace concerns rather than on programmatic issues to do with the nature and design of land reform projects in response to the profound socio-economic impact the epidemic will have on rural areas (Walker, 2000). As I note in my Background Report.

The issues involved are clearly gendered - inheritance, the notion of 'community care' in which women are likely to be the front-ranking caregivers, who decides how to prioritise different kinds of land uses, and so on (ibid: 37).

---

<sup>4</sup> 'Influx control' refers to a range of policies developed by successive white supremacist governments to restrict access to urban areas by African people and support a migrant labour policy for mining and industry. African workers were, with some exceptions, not allowed to settle permanently in towns, but required to maintain a home base in the reserves/bantustans. The policies impacted differentially on African men and women. Men were targeted as workers and women as 'homemakers', the index of permanent residence in the rural areas for the African population.

In addition, land continues to play a potent political role in the province, both in relation to the national government and at the local level. The politics of traditionalism are particularly intense in KwaZulu Natal. KwaZulu Natal is one of only two provinces that are not controlled by the ruling ANC party (the other is the very different Western Cape province) and, since 1994, the ANC has engaged in an intricate set of manoeuvres with the ruling Inkatha Freedom Party (IFP) in the province, about the place of 'culture' and 'traditional authorities' in rural local government. The IFP's political power base is centred on *amakhosi* and the Tribal Authorities that they head; the ANC response has been driven both by its desire to weaken, alternatively co-opt, this power base and by its concern to reduce the extremely high levels of political violence between ANC and IFP supporters in the province since the mid 1980s. Given that the traditionalism espoused by the IFP and many of its adherents in the Tribal Authorities is deeply patriarchal in content, I have argued elsewhere that the ANC's political dance with the IFP has blunted its commitment to the principle of gender equity in rural affairs in practice, not only in KwaZulu Natal but, because of the particular political weight this province carries, nationally as well. Gender equity has thus been a principle of government policy that is more readily endorsed in the urban context. (For a fuller discussion, see Walker, 1994, and 2000.)

预览已结束，完整报告链接和二维码如下：

[https://www.yunbaogao.cn/report/index/report?reportId=5\\_21546](https://www.yunbaogao.cn/report/index/report?reportId=5_21546)

