



**The impact of land reform on rural women in South Africa: The case of Mkhwanazi  
Land Restitution Programme**

by

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A dissertation submitted in partial fulfilment of the requirements for the degree of

Master of Public Administration (MPA)

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**2021**

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Date 21/11/2021

## Acknowledgements

First and foremost, I'd like to thank the Lord God Almighty for giving me the strength, power and wisdom to pursue and complete this dissertation. Special thanks again to our Creator for blessing me with phenomenal men and women of great character who played a pivotal role while pursuing this study. Quite frankly, this would not have been possible without their support. Key amongst those, I should acknowledge and express my greatest appreciation to my supervisors and mentors, Dr Sya Mthuli and Dr Sakhile Zondi, for accepting to supervise me, the unwavering support and guidance during the period of this study. Each of the engagements and interactions we have had was a lesson that capacitated and motivated me to persevere till the end.

I should also like to acknowledge:

- My employer, my supervisor at work and colleagues, thank you for the sponsorship and time permitted and offered to allow me to undertake this study;
- To all my current and former colleagues and close friends for constantly reminding and motivating me to finish what I had started when I enrolled to pursue the course.
- The leadership of Phalane Community Trust for granting me the opportunity to conduct this study in their area, and women of courage for their participation in this study;
- My wonderful family , my wife and daughter, sisters, and brothers in their numbers, for their love, support, motivation and understanding as I juggled between my work demands as a public servant and academic demands as a student a family member too;

To all these important people mentioned above and those whose names have not been mentioned, your contributions have all cumulatively propelled me to travel and navigate this challenging but exciting journey to this stage .Truly, I salute each one of you, may the good God Lord of our ancestors Bless you!

## Abstract

Land is considered a vital instrument that is used in the empowerment and disempowerment of people for a wide assortment of reasons as justification. For example, during apartheid in South Africa, land was used to disempower Black people. The country's first majority rule election, which took place in 1994, carried with it an obligation to address the shameful acts perpetrated by colonialism and apartheid. One of those was the introduction of the land reform programme which focusses more on the country's majority population disowned land and disadvantaged women who are mostly found in rural areas. The community of Mkhwanazi, like many other communities across South Africa was disowned land in the past. Studies have shown the benefits associated with land reform in empowering women in rural areas. Land is a valuable asset in rural areas because it holds the key to women empowerment and security, gives them more influence over finances and household decisions. Indeed, empirical evidence shows that where land reforms are implemented, rural women have indeed been empowered. It is for this reason that the policy document on land reform which was adopted as the White Paper in 1997 placed considerable emphasis on gender equity regarding women's access to land and meaningful participation in decision-making procedures. Land restitution is being implemented in South Africa post-apartheid. This study's focus is on the Mkhwanazi land restitution claim settlement. It explores the extent to which the settlement of the land restitution claim benefitted women empowerment at Mkhwanazi Land Restitution project in Umhlathuze City Municipality of the King Cetshwayo District. Adopting a qualitative research design and a case study strategy, data was collected through interviews with trustees of the community trust, administering the restituted land and focus groups interviews with women beneficiaries of the Mkhwanazi community. The findings show that despite evidence showing how land reform benefits and empowers rural women elsewhere, women beneficiaries of Mkhwanazi have not benefitted directly and not empowered. Barriers and challenges that prohibit women empowerment were identified which limit the benefits of the reformed land.

**Key words:** Land reform, land restitution, rural women, women empowerment, women land rights.

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## GLOSSARY OF ABBREVIATIONS AND ACRONYMS

ACORD	Agency for Cooperation on Research and Development
ADB	African Development Bank
ANC	African National Congress
BPFA	Beijing Platform for Action
CPA	Communal Property Association
CRLR	Commission on Restitution of Land Rights
CLCC	Chief Land Claims Commission
CEDAW	Convention on Elimination of Discrimination Against Women
CGE	Commission for Gender Equality
COSATU	Congress of South African Trade Union
DRDLR	Department of Rural Development and Land Reform
DLA	Department of Land Affairs
DPME	Department of Planning Monitoring and Evaluation
DWYPD	Department of Women Youth and Persons with Disabilities
EWC	Expropriation Without Compensation
FY	Financial Year
FG	Focus Group
FTLRP	Fast Track Land Reform Programme
HLPR	High Level Panel Report
JMC	Joint Monitoring Committee
KCDM	King Cetshwayo District Municipality
KZN	KwaZulu-Natal
LCC	Land Claims Court
LSCF	Large Scale Commercial Farmers
MDGs	Millennium Development Goals
NCOP	National Council of Provinces
NDP	National Development Plan
NGM	National Gender Machinery
NPC	National Planning Commission
OSW	Office on Status of Women
PAPLRA	Presidential Advisory Panel on Land Reform and Agriculture

PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PLAAS	Poverty Land and Agrarian Studies
RDP	Reconstruction and Development Programme
RSA	Republic of South Africa
SA	South Africa
SACP	South African Communist Party
SADC	Southern African Development Countries
SAHRC	South African Human Rights Commission
SL	Sustainable Livelihoods
SDGs	Sustainable Development Goals
SQF	SiyaQhubeka Forestry
UN	United Nations
UNDP	United Nations Development Programme
WSWB	Willing Seller Willing Buyer
ZANU-PF	Zimbabwe African National Union- Patriotic Front

# **CHAPTER ONE**

## **INTRODUCTION AND OVERVIEW OF THE STUDY**

### **1.1 Introduction**

South Africa (SA), like many other former colonial countries in Africa, is faced with the dire issue of the need for land reform. In particular, in SA, the key problem is how to ensure the equal distribution of land under the blueprint of the Constitution of the Republic of SA of 1996 and the White Paper on South African Land Policy (1997). Democratic SA is confronted with challenges whose originality could be traced back to the system of colonialism and Apartheid which caused many injustices in the past. According to Kloppers and Pienaar, (2014) one of the key challenges that the first democratic government had to confront relates to the question of how to tackle the glaring disparities in land ownership patterns. In responding to this challenge, the government of the day ensured that the programme of land reform becomes an integral part of the new constitution. In so doing, Kloppers and Pienaar (2014) posit that this should be viewed as a serious commitment on the side of government to addressing and eradicating the injustices and the ills of the past.

The sound and strong constitutional basis of land reform is given full expression in Section 25 of the Bill of Rights, which, according to Kloppers and Pienaar (2014), enjoins the State to protect those with property rights, whilst at the same time obliges the State to implement land reform in correcting some of the wrongs of the past. At the centre of this is the emphasis to put more particular focus on the most marginalised groups which consist of Black women (Walker, 2005).

A land restitution programme, which is the function of the Land Claims Commission, has been a subject of criticism for years, for a number of reasons. For example, one of those is the slow pace of the programme coupled with post settlement failures. This chapter starts off by outlining the broad research problem of the study, critical discussions regarding the Land Restitution Programme (LRP), its historical background, and its constitutional and statutory obligation. Furthermore, the chapter also presents the research questions and objectives, the significance of the study, and research methodology adopted and the research design that guided the study.

## **1.2 Background of the study**

Seventy eight percent of the world's poor live in rural areas and work mainly in farming (World Bank, 2019). Furthermore, the World Bank (2019) argues that women living in rural areas suffer disproportionately from poverty, far worse than rural men or men and women living in cities. In SA, according to the SA national Department of Rural Development and Land Reform (DRDLR, 2018) about 43% of country's population live in rural areas and about two-thirds of this group are poor, and the majority are women, which makes poverty to be feminised. It is precisely for this reason that the democratic government's White Paper on South African Land Policy (1997) places considerable emphasis on gender equity in land access and meaningful involvement of women in decision-making procedures. This, the World Bank believes, is the reason land is such a valuable asset in rural areas, arguing that it is because land holds the key to women's empowerment and security, giving them more influence over finances and household decisions (World Bank, 2019).

The observation of the World Bank is in line with some studies that revealed that improved women's land rights have been associated with a number of benefits. Those include, amongst many, improved family nutrition (Allendorf 2007; Katz and Chamorro 2002); children's educational achievements (Katz and Chamorro 2002); and increased women's ability to participate in households' decision making (Santos, Savath, Fletschner and Peterman, 2013; Allendorf, 2007).

In SA, Kepe and Hall (2016) argue that land reform is designed to benefit mainly the poor households and to contribute to poverty reduction. According to Cousins (2016: 2) the constitutional framework of land reform entails providing a right to restitution of land dispossessed after June 1913, and a right to security of tenure, and in both cases along with measures for comparable redress (cash compensation or alternative land) when appropriate. The other component which is not a right is access to land through land redistribution. In this regard, the state is obligated to take 'reasonable measures 'within its available resources', to foster conditions enabling equitable access to land (Cousins, 2016:2). Therefore, land reform is largely about all 3 legs mentioned herein, of which land restitution is an integral part.

During the 2018/2019 financial year, the Commission on Restitution of Land Rights (CRLR, 2019) reported that the number of land claims settled since 1994 until 2019 is 80 664 claims, with 2.1 million persons that benefitted from the 3.5 million hectares of land transferred

through the land restitution programme. Of interest to this study is that more than 163 000 households which have received land are female-headed, and they are mostly in community claims situated in the rural areas of the country (CRLR, 2019). The case of rural women in Mkhwanazi has presented an opportunity to explore their views and opinions on how the settlement of this claim impacted them and their households and the extent to which they perceive that to be empowering. Whilst this is viewed as an achievement, Hall (2009) argues that despite the reported benefits, the socio-economic position of women in land reform projects does not appear to have improved significantly because of the Restitution Programme. The major challenge is that when land rights have been restored to communities, women tend to have less land, have weaker land rights, have less influence in community decision making and tend to lose access to land as a result of inheritance systems based on male succession (Classen and Sihlali, 2020).

### **1.3 Research Problem**

Cousins (2016) and other writers such as Pheko (2014) argue that during colonial and apartheid SA, women's land rights were severely undermined, especially in areas where land was held and governed within systems informed by culture, tradition and customs such as the homelands. Social differences and inequalities based on a complex articulation of race, gender and class identities thus underpinned the unequal distribution of land and insecure rights to land (Cousins, 2016). Walker (2005) argues that the devastating effects that the Native Land Act of 1913 and the 1936 Land Act had and continue to have on women (particularly Black rural women) have led to higher levels of impoverishment amongst Black women in South Africa.

Fundamentally, the body of literature indicates that the South African land reform has not lived up to its expectation as there is evidence that the targets of redistributing 30% of commercial farm land by 2014 and settlement of all claims by 2008 have not been met (Walker, 2009; Cousin, 2016; Keep and Hall, 2016). It is for that very reason that the skewed land ownership patterns of the past persist even in the current democratic era ushered in with jubilation in 1994. The land audit of 2017 demonstrate the gravity of this challenge as it revealed that 72% of South African land is in the private hands of white males who constitute 72%, whilst females account for only 13%. What is even alarming is that most Blacks who are the targets of land reform account for only 4% of land privately only owned in South Africa (South African Office of the Presidency, 2019). Tables 1 and 2 below indicate the gravity of land ownership disparities according to land types and race and along gender lines.

### 1.3.1 Ownership of Private Land in South Africa

Table 1 below indicates the extent of land registered in the Deeds office, which is privately owned, and it excludes huge tracts of unregistered and unsurveyed land owned by the State. Even though the land audit did not focus on land owned by the State, it is quite interesting to note that the Presidential report indicates that 72% of land in South Africa is held privately in freehold and leasehold, whilst 14% is held by the State and further 14% is held in terms of customary law (South African Office of the Presidency, 2019). Agricultural holdings and farms measuring 111 025 515 hectares (ha) are constituted of 469 258 land parcels and owned by 588 045 individuals or land holding entities. The focus specifically on the two categories could be explained by the impact that land reforms have on agricultural holdings and farms and their location which is predominantly the rural parts of the country (South African Department of Rural Development and Land Reform, 2017).

**Table 1:** Number of landowners by land type, parcels, extent in hectares & land owner type

Land Parcel Type	Parcels		Extent		Owners	
	No	%	HA	%	No	%
Erven	6 839 985	94	3 197 760	3	8 469 845	93
Agricultural Holdings	50 253	1	340 272	1	60 623	1
Farms	419 005	5	110 685 243	96	527 422	6
<b>Total</b>	<b>7 309 243</b>	<b>100</b>	<b>114 223 276</b>	<b>100</b>	<b>9 057 890</b>	<b>100</b>

**Source:** RSA DRDLR (2017:5)

### 1.3.2 Ownership of Land according to Race and Gender

It is quite telling that the situation would be far worse when a gender lens is applied to further tease the 4% of ownership in the hands of Black people to establish the number of Black women who reside in rural areas of the country. The 2017 audit conducted by the Department of Rural Development and Land Reform revealed that individual males who are white own 26 202 689 ha or 72% of the total agricultural holdings and farms owned by individual owners; followed by females at 4 871 013 or 13%. Male-female own 3 970 315 ha or 11%, co-owners 655 242 ha or 2%, and others 1 379 029 ha or 3%. The report indicates quite clearly that the country still has to do a lot more to make sure there is equity in land ownership, not only on the basis

of race, but also on the basis of gender, especially within the ambit of farm holdings and agricultural land in the country. The land audit does not show the actual number of land owned by either Trusts or Communal Property Associations as a result of land received through State – sponsored land reforms (DRDLR, 2017).

**Table 2:** Ownership of farm and agricultural land according to race & gender

Land parcel type	No	HA	NO of owners	Race	Gender
Agricultural Holdings	50 253	340 272 000	60 623	Whites: 72% Coloured:15%	Males: 72%
Farms	419 005	110 685 243	527 422	Indians: 5% Africans: 4% Other: 3% Co-owned:1%	Female:13% Both male and female:11% Other 3% Co-owned: 2%
<b>Total</b>	<b>469 258</b>	<b>111 025 515</b>	<b>588 045</b>		

**Source:** RSA DRDLR (2017:5)

The land audit reveals that skewed land ownership on the basis of race is still prevalent in South Africa as the table above indicates that White males own a bigger percentage of farm and agricultural holding land compared to Blacks, Coloureds and Indians. Of the total land in the study, women only account for only 13%, whilst Black South Africans account for a meagre 4% of land ownership. Finally, South African individuals own 33 996 255 ha or 92% of the total farms and agricultural holdings; followed by foreign individuals at 769 284 ha or 2%; co-ownership at 933 728 ha or 2%; and others at 1 379 023 ha or 4%.

The above picture is indicative of the dismal performance of government land reforms and its glaring failure to reverse the legacy of colonialism and apartheid. The gap in ownership of land between men and women, as evidenced in the paragraph above, is still very wide which is the reason most scholars and gender activists alike are in agreement that whilst the constitutional and statutory commitment by the SA government is commendable, sadly, these noble commitments have not translated into anything positive in the lives of ordinary and marginalised women on the ground. Walker (1998); Hall (2003); Ngubane (2018); Ndida and

Ndhlovu (2018:2) argue that despite the enormity of struggles in the globe and in South Africa, relatively little progress has occurred with regard to gender equality and women's empowerment. Pheko (2014) argues that since 1994, the government has moved at a ponderous pace towards land restitution, and often has perpetuated undesirable land settlements. Consequently, in common with other ex-colonies, they posit, socio-political hierarchies, particularly with regard to women, remain deeply entrenched in the land and agricultural sector. Access to natural resources, especially land, is a critical determinant of the ability of vulnerable rural and urban women to improve their food security and economic welfare. Such access remains peripheral at best (Pheko, 2014).

The problem confronting rural women, as in the case of women beneficiaries in Mkhwanazi restitution project, is summed up by Walker (2017) when she contends that although South Africa's post-apartheid land reform policy identifies promotion of rights for women and gender equality as crucial objectives, women have not been particularly well-served by the different programmes that have been put in place since 1994 – that the goal has, in fact, turned out to be rather more elusive than anticipated originally. The case of women beneficiaries in Mkhwanazi has reinforced Walker's observation in that, despite the settlement and transfer of prime agricultural land, women in Mkhwanazi still do not consider the land as theirs because the leases on the land prohibit them from accessing the land as they wish. The ownership is vested in the Phalane Community Trust of trustees which is not sufficiently representative of women and their aspirations, as a result the socioeconomic value of this land and the benefits that accrue have not been realised.

The Phalane Community Trust uses the property which was bought by the State and transferred to the claimants' community as a result of the settlement of the restitution claim. The challenges in Mkhwanazi Restitution projects relate to the historical origin of the claim which is linked intricately to the traditional community of Mkhwanazi community. The pre and post settlement processes of the claim lodged by Inkosi of the same community, were dominated by male members of the community and as a result the settlement of the claim did not incorporate the rights of women as individuals or as an integral part of the claimant's family. Unfortunately, this persisted even on the leasing of productive land to commercial forestry companies who continue to use the land for production with not much regard of the needs and wishes of women beneficiaries in the claim. Prime agricultural land which is used mainly for commercial forestry and cane farming does not seem to have benefited women beneficiaries as the status quo

remained even after the settlement of the claim. The rigidity of post settlement arrangements that promote productive use of land in total disregard of wishes and aspirations that individual women beneficiaries had previously and on transfer of the land to the Phalane Trust, have all proven to be challenging. What happens to those women beneficiaries who still harbour ambitions of using their land as small grower farmers to graduate beyond that to become self-sufficient and sustainable farmers in their own rights?

The claim which was lodged by the late Inkosi M Mkhwanazi and processed to a point of settlement in 2018, the first restitution project which involved the transfer of state-owned commercial forestry land to the community of claimants ever since the restructuring and privatisation of state forestry land began in the late 1990s. According to the Mail and Guardian report (2018) President Cyril Ramaphosa handed over more than 4 500 hectares of land to the KwaMkhwanazi community in Empangeni, northern KwaZulu-Natal. The President further mentioned that the community of kwaMkhwanazi can be exemplary to other recipients of land through its active participation in the administration of funds received through the Phalane Trust. The Mkhwanazi land recipients, through the Phalane Trust, currently own sugarcane enterprises and the Forestry Inn Hotel Pty Ltd that operates on behalf of the community and we encourage this type of entrepreneurship. It is therefore one's contention, in line with the President of South Africa, that women who are beneficiaries in the Mkhwanazi restitution project should also be empowered through benefits accruing as a result of successful settlement of the restitution claim.

#### **1.4 Research questions**

- What extent has the settlement of the restitution claim benefitted women's empowerment at Mkhwanazi Land Restitution project and how?
- What is the level of participation in decision making by women in the Mkhwanazi Land Restitution project?
- What barriers or problems do women beneficiaries face in the Mkhwanazi Land Restitution project?
- What are the capacity building needs of women land restitution beneficiaries of the Mkhwanazi Land Restitution project?

## 1.5 Research objectives

- To explore the extent to which the settlement of the restitution claim benefited women's empowerment at Mkhwanazi Land Restitution project.
- To explore the level of participation in decision making in the Mkhwanazi Land Restitution project.
- To explore barriers or problems that are faced by women beneficiaries in the Mkhwanazi Land Restitution project.
- To explore capacity building needs of women Land Restitution beneficiaries of the Mkhwanazi Land Restitution project.

## 1.6 Study Site

The study took place within the community of Mkhwanazi which has the head office of the Mkhwanazi traditional authority situated in Dlangezwa whilst the office from which the legal entity of Phalane Community Trust operates is situated in Forest Inn Hotel on the North of Umlalazi River and coastal town of Mthunzini, in the King Cetshwayo District Municipality (KCDM) in KwaZulu-Natal (KZN). The map below is the entire Province of KZN, followed by the actual map of the land claim and the surrounding areas in the Mhlathuze Local Municipality.



**Figure 1.1** Map of the Mkhwanazi Restitution land claim

**Source:** RSA DRDLR (2018)

The above figure is the map depicting the boundaries of the Mkhwanazi land claim.

### **1.7 Research Methodology**

A qualitative research design and a case study strategy of enquiry was used in pursuing the study because it is an approach best suited for exploratory studies that seek to understand meanings that individuals or groups of people ascribe to a social or human problem. The type of sampling strategy employed in the study was a non-probability sampling strategy, with purposive sampling technique. The data collection for this study encompassed face to face, one on one in-depth interviews as well as focus groups interviews with rural women beneficiaries of Mkhwanazi Land Restitution project. The data collection tool used by this study was an interview guide and thematic analysis data analysis technique is used to understand the impact of the land restitution programme on the lives of women. The research methodology is discussed comprehensively and in detail in Chapter Three (3) below.

### **1.8 Significance of the Study**

The study could assist the CRLR and DRDLR in identifying shortcomings in the execution of the restitution mandate and implementation of Gender policy of 1997, identify process gaps especially in relation to various interests coupled with gender dynamics at play when big rural community claim is processed at pre and post settlement, and recommend measures and interventions to mitigate legislative and policy gaps. The research would also serve as the basis for future research into the knowledge generated in bridging the gap in the existing body of knowledge. Furthermore, it is becoming clear that there are deficiencies in the gender policy of DRDLR and CRLR which therefore makes it pivotal for it to be reviewed and enforced as part of gender mainstreaming and empowerment of women. In line with the women empowerment theory, women need to understand conditions and factors that prevent them from enjoying rights and becoming empowered through the land restitution. The status of the project since the President of RSA pronounced that the Mkhwanazi community project would be a national pilot to guide and inform the government renewed obligation to land reform and transfer of land to beneficiaries (News Agency, 2018).

### **1.9 Justification of the study**

The challenges and problems that beset the programme of restitution in so far as empowerment of rural women is concerned triggered the study's effort to find out the underlying issues as lived, perceived and understood by ordinary women beneficiaries who are part of the settled restitution project, to further establish whether rural women beneficiaries are acutely aware of barriers that prevent them from realising benefits that accrue as a result of a successful restitution community project and rural women empowerment and their rights as beneficiaries. Had this study not been conducted, the Commission would have not discovered that much as the programme is strictly rights based, issues of equality of gender and empowerment are central in the successful implementation and sustainability of land claims settlement. The policy and legislative deficiencies and weaknesses (as viewed by women beneficiaries) in the restitution programme would not have been known had the study not been undertaken.

### **1.10 Limitations of the Study**

Land restitution is a national programme which is implemented in all nine provinces and given the number of settled rural community claims involving women. The researcher would have preferred to have a broader and sizeable population of claims from which to draw a sample. However, due to financial and other constraints, the study had to restrict itself to one claim which is the Mkhwanazi Restitution Project. The budget was a limitation as the researcher had to travel from Pietermaritzburg to Empangeni on different days for interviews and also focus on group discussions. The plan and number of participants had to be reviewed due to Covid-19 pandemic, protocols and regulations, and factors like death and prolonged illnesses of members of the Board and some women participants selected for the study. This delayed completion of the study as data collection was impacted accordingly.

### **1.11 Structure of Thesis**

**Chapter One** gives a broad overview of the study by way of introduction, background to the study and outlining of the research problem, the research objectives, and questions. Furthermore, this is the chapter where the research methodology is discussed, and the significance of the study, justification for the study, the study site, and limitations of the study.

**Chapter Two** is the Literature Review focusing on land reform and rural women empowerment both in the global, regional and South African context, the historical context of the land reform in the country during Colonial and Apartheid era, and the impact it had on

women, leading up to the 1994 democratic dispensation. The land restitution programme in South Africa as entrenched in the Constitution of the Republic was also discussed, the challenges and barriers that rural women beneficiaries face, and the extent to which it impacts empowerment of women.

**Chapter Three** begins by outlining the theoretical foundation that serves as an anchor and a pillar of the research, the various elements which should be taken into consideration as the issue of land restoration and, the theory on women empowerment, its origin and how it has evolved in its conceptual and practical form and shape are also discussed in the context of the study. This section further examines the shortfall or limitation of the theory especially when it is located with a particular localised, social and cultural contexts.

**Chapter Four** focusses primarily on the research methodology, selection of the research design and the rationale behind such a selection. The discussion also covers the research strategy, the study area, and the selection of site and respondents, thus graduating to another area of discussion on sampling, sampling strategy, and sampling population and size. Data collection tools and data analysis are also explained in detail in line with the study's research design, the procedure followed in doing the thematic analysis. Discussion on data quality control, the limitations of the study and ethical considerations conclude the chapter.

**Chapter Five** provides an analysis, presentation and discussion of the primary data collected through using qualitative data collection method and tools which are face-to-face, one-on-one interviews and focus group discussions. The chapter also provides the data analysis method employed to analyse the raw data collected. The thematic analysis of data has also enabled the researcher to present findings and to reflect on them within the context of this study.

**Chapter Six** provides conclusions and recommendations of the study, the implication of the findings for future research in land restitution and its overall objective, the development and advancement of rural women beneficiaries in the light of the challenges and constraints in the land restitution programme. Furthermore, the chapter concludes the entire thesis by shifting focus on the objectives of the research, recommendations arising out of the emerging themes, and areas that may be explored for research in future.

## **1.12 Conclusion**

This observation by the World Bank regarding the connection between poverty, rural areas and women could be reason sufficient enough to justify the relevance and value of the study of women empowerment and land reform. South African land reform has been implemented since 1994; however, despite the constitutional and legislative guarantees, most analysts argue that the performance of the programme has been dismal. It is worse when gender lens is used because rural women and the poverty-stricken masses of the country have not been particularly well served by the country's programme of land reform. Unless the land reform programme is reviewed to put women at the centre of legislative and policy implementation, women empowerment will not be possible. It is for this reason that it is argued that the success of land reform and agrarian revolution will not be guaranteed unless there is active participation of women and youth as active cadres in the war on poverty (DRDLR, 2018). It is against this background that the problem statement, research objectives, questions, significance, rationale as well as the limitation of the study have been presented and brief outline of the methodology. The next chapter is based on the literature review, which mainly covers land reform, especially land restitution and how it benefits rural women empowerment in the global, regional and South African context, and challenges and problems faced by beneficiaries of land and agrarian reform in South Africa.

## **CHAPTER TWO**

### **LAND REFORM AND THE EMPOWERMENT OF RURAL WOMEN**

#### **2.1 Introduction**

This chapter is dedicated to reviewing the existing literature dealing with land reform and empowerment of rural women. According to Creswell (2009), a literature review is conducted to accomplish a variety of purposes principally amongst which, but not limited to these, the researcher shares with the reader the results of other studies that are closely related to the one being conducted, relates a study to the larger ongoing dialogue in the literature, filling in gaps and extending prior studies. In this study this is done by examining, interrogating, and analysing work which has been done by other researchers. This is dealt with by drawing perspectives and lessons from an array of studies conducted internationally, regionally, and domestically. The post-apartheid constitutional and legislative policy and frameworks on land and agrarian reform in the country, is also reflected on in this chapter, and so is the Bill of Rights.

#### **2.2 International Experiences on Land Reform and Rural Women Empowerment**

According to the World Bank (2016) most emerging countries embark on land reform because of benefits that accrue to beneficiaries located in the rural areas. Those benefits include increased yields in agricultural production and also alleviation of poverty which is rife in most rural areas of the developing nations. Other justifications for land reform are premised on the assumptions that land with its intrinsic socio-economic value also has a potential of stimulating good welfare for beneficiaries. These observations have also been found to be realistic, as Argawal (2003) indicates that this has also had desirable effects on rural women too, especially in some parts of India.

There is mounting evidence that suggests that land reform also provide rural women with an opportunity to have access to land and other essential related resources for their livelihoods. Besides other positive effects which have already been cited by the World bank in this paragraph, Argawal (2003) brings in another interesting dimension. She asserts that land reform and access to land by rural women has been found to improve the welfare of families for women in rural areas and increased agricultural production and alleviates poverty. Also, land has been associated with a great deal of women empowerment too. This emerged from the studies conducted in some parts of India (Agarwal, 2003).

The importance of land as an asset for rural livelihoods has also been dealt with by a number of analysts who have argued that land may be used for investment in natural capital through activities like conservation of soil itself, which enhances the productive capacity of the land (Bekele and Mekonnen, 2010; Pender and Kerr, 1996). It may also be used to access financial capital (Petracco and Pender, 2009). In agrarian societies in the developing world, including rural India, the World Bank (2009) posits that land serves as a marker of social status, and landowners may therefore also benefit from greater social capital (World Bank, 2009).

### **2.3 International Policy and Frameworks for Land Reform and Women Empowerment**

The Beijing Platform for Action (BPFA) and the Millennium Development Goals (MDGs) impose obligations to member States, including countries such as S A, to ensure gender equality, land rights and women empowerment at the level of legislation, policy, and implementation. The UN Fourth World Conference on Women held in Beijing, China, in 1995 adopted the BPFA as a comprehensive plan of action intended to enhance the empowerment of women in their social, economic and political spheres of life, and it is premised on the need for the sharing of power and responsibility in the home, workplace and in the wider society (UN, 1995).

The BPFA recognises several key strategic objectives which seek to make sure gender discrimination is eliminated. Notable amongst those is the issue of land which is reflected in women and poverty as a key strategic objective. Consequently, a call is made to governments to make sure that all barriers that prevent women from accessing land are removed, that measures of a special kind are put in place to meet the needs of women, especially those caught in a trap, viz., poverty, and households headed by women (BPFA, 1995).

#### **2.3.1 Sustainable Development Goals, Women and Gender Equality**

Flowing from the BPFA are Sustainable Development Goals (SDGs) which were adopted by all UN member states in 2015 as a universal call to bring an end to poverty, to protect the planet and ensure that all people of the globe are entitled to enjoy peace and prosperity by 2030. Out of 17 integrated SDGs, goal five is essentially about gender equality. To amplify the importance of this goal and the imperative for countries to work tirelessly towards achieving this, the United Nations Development Programme (UNDP) (2015) argues that ending

discrimination against women and girls should not be seen as a fundamental human right only, but it is also paramount for a sustainable future. It is proven that empowering womankind and teenage girls helps in stimulating growth and in the development of the economy. The next section seeks to elevate the discussion further by looking at how certain countries in Europe, Asia and Latin America have implemented restitution programmes and the effects that such programmes have had on women in those countries.

### **2.3.2 The Restitution Model**

According to Harper (2017: 119) like in many countries that have implemented the restitution programmes, the Restitution Model is premised on the actual return of confiscated property to former owners (Harper, 2017). In instances where physical restitution is not possible, the government substitutes some form of compensation, including cash, bonds, or vouchers in privatised industries (Harper, 2017). In Europe, in the eastern regions (eastern Europe), Czech and Slovak republics also implemented the Restitution Model whereas in Germany, in its reunification with former East Germany, two elements of Restitution and Compensation Models were combined to deal with dispossessions that happened during World War II (Harper, 2017).

In other parts of the world, in Latin America (Columbia and Brazil) and Asia (China), the model was influenced largely by Marxist and Socialist ideologies which advocated for what was referred to as 'Land to the Tiller' (Harper, 2017). The governments of former communist countries have chosen one of two basic models in dealing with former owners of confiscated property. The first is a 'Restitution Model', while the second is the 'Compensation Model' (Harper, 2017). What is interesting is that the Marxism does not concern itself with gender or women dynamics because of their ideological premise which is class. The paragraph below bears testimony to the ungendered approach in most communist bloc countries that subscribed to Marxism.

Land restitution with Marxist ideological underpinnings advocated for large capitalist oriented commercial farms to be expropriated for the benefit of poor farm workers and peasants (Harper, 2017). Even though the outcome of these restitution programmes varies, the body of literature indicates that China seems to be the country that succeeded in redistributing land from the big multinationals and commercial farmers to smallholder poor and peasant families (Harper,

2017). Katayanagi (2009) argues that in Bosnia and Herzegovina (southeastern Europe), the success of the Restitution programme there was made possible by the pivotal role played by the international community which ensured that necessary support was provided. Even in this case, there has not been much effort to record the gendered dimension of the restitution success in the country (Bosnia and Herzegovina).

Since 2011, the Colombian government has been implementing a process of land restitution. Its initial objective was to reconstitute over 6 million hectares by 2021 by means of a transitional process of a combined nature that includes both administrative and judicial measures (García-Reyes and Wiig, 2017). Law 1448, or the Victims and Land Restitution Law, calls for preferential treatment for women, including prioritising their requests and in cases where a ruling for restitution of property titles is issued in favor of a claimant, the title must include both the man and his partner as a means for ensuring access to property ownership by women. This treatment has been emphasised through special procedures and guidelines aimed at including gender indicators in the restitution process, as well as to facilitate gender sensitivity among state officials (García-Godos and Wiig, 2017). Unfortunately, like in many cases around the world, policy and legislative guarantees do not always translate into equitable access to land and control thereof, and empowerment of women in the rural areas (García-Reyes and Wiig, 2017).

#### **2.4 An African Perspective on Land Reform and Treaties on Women**

In line with relevant international conventions like the BPFA, in July 2003, the continent of Africa signed the African Charter on Human and People's Protocol on Women's Rights to provide for the protection and promotion of women's rights (CGE, 2007). This Charter enjoins nation states in Africa to put measures in place that seek to protect and promote women's rights including obligation to eliminate all discriminatory acts and practices perpetrated against women (CGE, 2007). This was followed by the adoption of the Solemn Declaration on Gender Equality in Africa on the 8<sup>th</sup> of July 2004, and African Women's Protocol also in 2004 (CGE, 2007). It can therefore be assumed that African countries that are signatory to this Declaration have an obligation to create a legislative policy and an institutional environment conducive for gender equality and women empowerment to happen.

#### **2.4.1 The Socio-Economic Value of Land and Rural Women**

According to the World Bank (2013), land as an asset is an important source of security against poverty across the continent and the rest of the developing world. But unequal rights to land put women at a disadvantage, perpetuate poverty, and entrench gender inequality in Africa (World Bank, 2013). Therefore, given the value of land and feminisation of poverty in rural areas, gender has become central in the debate on women's land rights precisely because it has been proven that there is an intricate connection between having access to land resources, having secured rights in land, attaining food security and overcoming poverty (World Bank, 2013). This is even more critical on the African continent where women have been found to be critical players in food production and food security (World Bank, 2009).

#### **2.4.2 The Effects of Women's Land Rights and Development**

According to Odeny (2013) there is an increasing body of literature with tangible evidence highlighting the insecure position of women's land rights as an obstacle to the sustainable management of natural resources and socioeconomic development. This in turn could have a devastating impact on livelihoods as land is regarded as one of the foundations of economic development on which livelihoods of pastoralists, communities of farmers and other communities are anchored. Land is also an important element of assets in any business, and therefore play a major role in business investment strategies (World Bank, 2013).

In rural areas land is a means of agricultural production, livestock rearing and a place for gathering natural products that play an important role in local economies such as woodcutting, wild harvesting, grazing, fishing, and hunting (World Bank, 2013). Lastly, which is also extremely important for African people and households, land is a source of identity and cultural heritage, to which different people attach different meanings and values (Walker, 2008).

#### **2.4.3 Land Rights and Empowerment of Women on the African Continent**

A myriad of studies conducted seem to have the consensus that while most African countries have achieved different legal and policy strides in addressing the land issue, and where acts of gender equity exist, women may not know their legal rights (World Bank, 2013; Odeny, 2013; Walker 2017, Cousins, 2007). In addition, implementation may still be gender-biased, and law enforcement may be grossly inadequate or prejudiced against women. For example, a case in point is Kenya where laws allow women to own land technically, yet nearly all land is

registered in the names of male elders (Odeny, 2013). The issue of awareness together with the State willingness to enforce such laws is central as the dream of gender equality in land ownership, access and control, and resultant empowerment would remain elusive and unattainable.

In Africa, it has been reported that in countries such as Rwanda and Zimbabwe, the impact of land reform on women has been quite different (Odeny, 2013). Available literature also points to Ethiopia where the government's large-scale land certification effort - covering 6.3 million households - improved women's economic and social status (Flintan, 2010). It is indicated that previously, women did not have property rights at all, and divorced women could expect little more than a sack of grain as compensation from their former husbands and now, they are entitled to 50% of the property which is attributed to successful land reform on women in Ethiopia (World Bank, 2016).

### **2.5 Land Reform in the Southern African Development Countries (SADC)**

The Southern African Development Countries Declaration on gender, commits the SADC member states which are Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe, to a number of steps that will ensure that gender equality is achieved in the region (Commission On Gender Equality ,2007). On land reform, SADC embarked on land reform differently as De Villiers, 2003; and Melber, 2019 posit that most countries had more land categorised as communal and the State than private property. Therefore, there is less land which is owned privately in these countries for any meaningful land restitution to happen (Ramutsindela and Hartnack, 2019). The implication of this could be evidenced in Namibia and Zimbabwe where attempts to implement land restitution had mixed outcome or results. Ramutsindela and Hartnack, (2019) argue that Namibia has avoided implementing land restitution fearing that it would open pandora's box, a view which remains challenged (Ramutsindela and Hartnack, 2019).

In Zimbabwe land restitution did not yield the desired results because most restitution claims were lodged by traditional leaders whose claims overlapped with other traditional leaders' ancestral claims (Dandea and Mujere,2019). Furthermore, what also compounded the formalised roll out of the restitution programme in Zimbabwe is the attitude of the Zimbabwean

African National Union - PATRIOTIC Front government - towards traditional leaders or chiefs. Dandea and Mujere (2019) argue that traditional leaders and chiefs were perceived by government as traitors who did not provide adequate support when the struggle for liberation was waged against the Rhodesian Front regime. This is one of the main reasons that caused the ZANU-PF led government to refuse entertaining applications for the restoration of land to traditional authorities who were demoted and whose chieftaincy was also abolished (Dandea and Mujere, 2019).

Therefore, if one had to apply some gender lens to the above situation, it can be concluded that even if the restitution had been allowed to happen in Zimbabwe, the situation of women in rural areas would not have featured due to the patriarchal nature of traditional leaders in southern Africa and the rest of the continent. It is for this reason that the issue of women and their empowerment in rural areas is viewed within the broader context of Fast Track Land Reform Programme (FTLRP) in Zimbabwe. In Zimbabwe land reform happened through both informal and formal processes and therefore it can be argued that it may not be equated entirely to the S A Land Restitution programme (Mutopo, 2011) and as a result women's access to and control over land is reflective of that reality. Mutopo (2011:1022) points out that on the Zimbabwean land reform known as Fast-Track Land Reform Programme (FTLRP) women were a small minority (18%) of those who benefited in terms of the formal processes of accessing land. In some cases, Scoones et al. (2010), Sadomba (2008), Moyo (2011) cited in Mutopo (2011: 1028) argue that land invasions were other means through which women gained access to land and subverted formal forms of patriarchal, traditional or administrative authority.

Other means to access land for most women, involved them being in some form of relationship with men, either as a husband or brother (Mutopo, 2011: 1029). The extent to which land reform beneficiates and empowers rural women, Mutopo (2011: 1038) argues that, besides the assertion by some authors of women elitism in land reform and the chaotic nature of the Zimbabwean FTLRP, there is however some consensus that land reform in Zimbabwe improved livelihoods for most rural women, advanced their rights as women and helped in their empowerment too (Mutopo, 2011). On access to land from the FTLRP, Moyo (2011) argues that majority of women, between 12 and 18%, own land in their own right, compared to the 4% of white women who owned Large Scale Commercial Farmlands and the 5% of black women who had control of land located in previous resettlement areas and communal lands. Moyo (2011) further posits that other women benefited mostly from access to land by virtue of

their spouses, which gender analysts find problematic, as that implies an inferior or lesser level of control over such land.

There is, however, another narrative that suggests FTLRP was a total failure as the majority of women did not benefit and consequently could not be empowered except those who had political connections with war veterans and traditional leaders (Dandea and Mujere, 2019). Therefore, no rural women empowerment happened as a result of FTLRP. Other gendered studies further revealed that even though huge tracts of land have been redistributed to the Black people of Zimbabwe, it has tended to benefit the elite Black women, those with political connections including some traditional leaders, and the effect of this on poor rural women has been quite dire as the very existence of traditional leadership is rooted deeply in patriarchy, as most feminists would attest (Munemo, 2019). However, Scoones et al. (2010) and Moyo (2011) refute the claim of political elitism of women's access to land arguing that it was not entirely true because a large number of beneficiaries who accessed land comprised of ordinary women in the main.

## **2.6 Land Reform in South Africa**

### **2.6.1 Colonial and Apartheid era Land Policy in South Africa**

Pheko (2014:1) posits that the SA colonial land dispensation indicates that annexation of prime land preceded the apartheid regime as it was started late in the nineteenth century by the white minority government. According to Pheko (2014:1) this began as a discriminatory process which sought to appropriate prime agricultural land in different regions of South Africa. This was done through the enactment of a number of racially discriminatory legislations like the Glen Grey Act of 1895 land in the former Transkei and Pondoland and Zululand, Land Delimitation Commission of 1906, in the former Natal ((Pheko, 2014). This era was followed by the enactment of the 1913 Native Land Act which consolidated the colonial and segregationist agenda on a nationwide scale (Pheko,2014). The main thrust of these legislations was to partition land and reserve it for White occupation (Pheko, 2014). As a consequence, the Acts restricted native people ownership to just 7% of all land in the country, whilst the White settlers, despite constituting only a small minority of the population had effective control over 93% of the land in South Africa (Isbell, Alweendo, and Moosa, 2019).

While the scholars of the day may have been unwilling or unable to deconstruct the gendered nuances of these evictions explicitly, Pheko (2014) argues that the stories of women are woven throughout these narratives of colonial and Apartheid land dispossessions. African women, in particular, were left in extremely vulnerable and precarious situations after the enactment of the 1913 Native Land Act. In support of this, Walker (2005) argues that prior to Apartheid, the Native Land Act (No. 27 of 1913) forced Black women to work as labourers on White owned farms under labour tenancies that were subject to terminations easily, and this made their vulnerability to evictions more than with their male colleagues. They were subjected to a physical, social and economic plundering of resources against which they had no recourse at all; widows were deprived of their modest livelihoods that land and cows had provided previously (Pheko, 2014). Therefore, Black women should receive the kind of treatment and benefits from all the post 1994 land reform dispensation including the restitution of land rights of 1994 and the Departmental Gender policy of 1997 (Pheko, 2014) as equally as their male counterparts.

**Table 2.1:** Critical legislative context during the Colonial and Apartheid era land and agrarian reform

<b>YEAR</b>	<b>LEGISLATION DESCRIPTION</b>	<b>PURPOSE/OUTCOME</b>
<b>1913</b>	Natives Land Act No. 27	Dispossession of black people and the segregation of coloured and Indian people through the Group Areas Act.
<b>1927</b>	Black Administration Act No. 38  (renamed Bantu Administration Act).	To provide for better control and management of Black Affairs.
<b>1936</b>	Natives Trust and land Act No. 18 of 1936	The establishment of the South African Native Trust, which was a state agency that was responsible for the administration of trust land.  Moreover, "to administer the settlement, support, benefit, and material welfare of the natives of the union".
<b>1950</b>	Group Areas Act No. 41 of 1950	Urban areas were to be divided into racially segregated zones.
<b>1993</b>	Interim Constitution of the Republic of South Africa	Gave way to the promulgation of the Restitution of Land Rights Act No. 22 of 1994, which was one of the first legislations to be passed after the democratic dispensation came into being in order to redress the history of the past dispossessions

Source: RSA DRDLR (2017:5)

### **2.6.2 Post-Apartheid, Democratic Era Land Policy in South Africa**

The 1994 Reconstruction and Development Programme (RDP) of the African National Congress (ANC) identified restitution and redistribution as central and key drivers of a rural

development programme that would require an equal measure of the support of agricultural development (ANC, 1994). The RDP is a socio-economic policy framework which the post 1994 ANC led government of National Unity implemented after extensive consultation and negotiation between the ANC, its alliance partners, the Congress of South African Trade Unions (COSATU), the South African Communist Party (SACP) and other organs of the civil society. The RDP articulated the main aspirations which entail growth, development, reconstruction, and redistribution, in a consistent macro-economic framework.

### ***(a) The National Development Plan and Vision 2030***

The National Development Plan (NDP) is a long-term development plan for South Africa which was developed by the National Planning Commission (NPC) in 2017 in collaboration and consultation with South Africans from all diverse walks of life (NPC, 2017). In describing the fundamental blocks of the plan, the NPC (2017) identifies six pillars which are listed below as follows: mobilisation of all South Africans, active engagement of citizens in their own development, expansion of the economy and making growth inclusive, building of key capabilities - human, physical and institutional; building a capable and developmental state and fostering strong leadership throughout society (NPC, 2017).

Of interest in the context of the study, is the issue of women empowerment which is considered as one of the fundamental areas in the transformation of the South African Society. The NDP takes gender – along with race and geographic location – into account, proposing a range of measures to advance women’s equality. In summary, the recommendations in the NDP (2012) include security of tenure for women communal farmers and the transformation of the economy that should involve active participation and empowerment of women.

### **2.6.3. Legislative Measures governing Land Reform in South Africa.**

#### ***2.6.3. (a) The Constitution of the Republic of South Africa***

Section 25 (5),(6) and (7) of the 1996 South African Constitution, laid down a foundation on which the country’s land reform is implemented as a national imperative to redress the disparities or inequalities of the past such as arbitrary evictions, forced removals and past dispossession of rights in land due to past racially discriminatory laws or practices. Section 25 (5), (6), and (7) of the 1996 South African Constitution enjoins the State to come up with legislative measures, taking cognisance of the availability of resources, to create a conducive

environment for its citizenry to access land on an equitable basis, to further make sure that those individuals or communities whose security of tenure is not entirely guaranteed due to discriminatory laws and practices of the past, are entitled to some form of legally secured tenure or other equitable redress (RSA Constitution, 1996).

South Africa's programme of land reform is made up of three key elements, otherwise known as 3 legs of land reform: land redistribution, land restitution and land tenure reform (Jacobs et al., 2003). Below is an attempt to define and describe what the 3 elements of land reform programme entail:

- **Land Redistribution**

The primacy of this programme is to afford the poor the opportunity to gain access to land for both residential and productive purposes so that their livelihood is improved. The government provides a single, yet flexible, redistribution mechanism which can embrace the wide variety of land needs of eligible applicants. Land redistribution is designed to benefit specifically those who are trapped in poverty and are found mostly in urban and rural areas of the country, including farm workers, labour tenants, as well as emergent farmers (DLA, 1997).

- **Land Tenure Reform** seeks to improve the tenure security of all South Africans and to accommodate diverse forms of land tenure, including types of communal tenure elsewhere in the country. Its legislative life and existence is derived from Section 25(6) of the Constitution which reads as follows:

“A person or community whose tenure of land is legally insecure as a result of past racially 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” (DLA, 1997: 33).

- **Land Restitution**

According to the white paper on land reform, DLA (1997) the Land Restitution Programme (LRP) provides for the restitution of land rights to a person or community dispossessed of property after 19 June 1913 as a result of past racial discriminatory laws or practices; the person or community is entitled to the restoration of such property or equitable redress. If indeed the essence of the legislation is about the restitution of land

rights to a community, then there is no doubt that land dispossession did not affect only men but also women, if not more.

### ***2.6.3 (b) The South African Bill of Rights***

The Constitution of the Republic of South Africa is very explicit in pronouncing the importance of chapter 2 as the pillar and foundation of the country's democracy in South Africa because it espouses the rights of all people in the country and upholds the democratic values of human dignity, equality and freedom. The Bill also prohibits "unfair discrimination" on several grounds, including gender. Section 25 of the Bill of Rights enjoins the state to protect those with property rights whilst at the same time obliges the state to implement land reform as explained in the above paragraph. Therefore, the issue of equality, human rights, land reform, gender equality and women empowerment should be viewed within this context, hence the importance of the study.

### **2.6.4 Legislative and Institutional Frameworks: Gender Equality, Women Empowerment, and Land Restitution in South Africa.**

As indicated earlier in this chapter, the country's formal endorsement of the Beijing Platform for Action was a clear indication of its acceptance of gender mainstreaming into all its institutions and programmes as a plan to accomplish gender equality. It is a comprehensive plan of action "...to enhance the social, economic and political empowerment of women, and it is premised on the need for the sharing of power and responsibility in the home, workplace and in wider society" (BPA, 1995: 79). United Nations Declaration (1995:12) really emphasised the importance of empowering women by stating that:

"Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace".

Linked and of relevance to the study is the UN commitment to women empowerment which emphasises the need for women to have access to a wide range of economic resources, which puts land as the number one economic resource, followed by access to credit, modern science and technology, work or career related training, access to information, and communication and markets. The UN (1995) believes that land entails massive potential and capacity much needed for the advancement and empowerment of women and girls, and which could serve as the

trigger or tool to enhance their capacities in order to enjoy the benefits from these resources equally and optimally.

In 2000, the country's government showed the commitment towards empowerment of women and gender equity by formulating and adopting the 'National Gender Policy Framework on Empowerment of Women' and Gender Equality. This policy provides guidelines to spheres of government with regard to the formulation of gender policies, and also stresses the importance of Women's Empowerment as a further requirement for achieving gender equality (CGE, 2009).

#### ***2.6.4 (a) South African National Gender Machinery (NGM)***

According to the African Development Bank (ADB) (2009) South Africa's NGM consisted until May 2009 of the Office on the Status of Women (OSW) which was situated in the Office of the Presidency at national level and in the Office of the Premiers at provincial level. Then at the level of government departments there were Gender Focal Units or teams that carried out the mandate of the NGM at national and provincial level. The NGM was established in 1990 with a mandate to execute programme, policies and legislations that mainstream gender within government and the State (Meer, 2005). Unfortunately, the NGM did not live up to its expectation and as result it was disbanded in 2009. Lack of resources, leadership challenges, unclarity of its roles and functions, especially considering the role and the mandate of the CGE led to the demise of the NGM (African Development Bank, 2009).

#### ***2.6.4 (b) Department of Women, Youth and Persons with Disabilities (DWYPD).***

The mission of the Department of Women, Youth and Persons with Disabilities (DWYPD) is to accelerate socioeconomic transformation and implementation of the empowerment and participation of women, youth and persons with disabilities through oversight, monitoring, evaluation and influencing policy (RSA, 2018). Amongst its main priorities is to ensure that the socio-economic advancement and rights of women, youth and persons with disabilities are mainstreamed across all sectors of society through monitoring the extent to which their social and economic circumstances are improved significantly, by promoting, advocating for and monitoring their empowerment and gender equality, amongst others (RSA, 2018).

#### ***2.6.4 (c) Commission on Gender Equality (CGE)***

The CGE is an independent statutory body established in terms of the Commission on Gender Equality Act no. 39 of 1996 and is mandated to monitor government, the private sector and civil society. In terms of the Act, the CGE must monitor and evaluate policies and practices at any level, of state organs, statutory and public bodies, and private institutions, in order to promote gender equality and to make the recommendations that it deems necessary (ADB, 2009).

#### ***2.6.4 (d) The South African Human Rights Commission***

The other critical institution which should also be playing a pivotal role in ensuring that women's rights are promoted and protected is the South African Human Rights Commission (SAHRC) established in accordance with section 184 of the South African Constitution. Its constitutional mandate which is given legal effect by the Human Rights Commission Act 54 of 1994 is to "promote the protection, development and attainment of human rights". The office On Status of Women is another attempt by government to advance and develop women in the country (RSA Constitution, 1996).

#### ***2.6.4 (e) The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) No 4 of 2000***

The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) was enacted by government as a way of giving effect to section 22 of CEDAW. In fact, it can be argued that PEPUDA, in line with section 22 of CEDAW, places an obligation on the states to desist from engaging in any act or practice that discriminates against women, and further, ensures that those public authorities and institutions discharge their respective mandates in compliance with that obligation to eliminate discrimination of any kind directed at women by any person, public and private entities or organisation. In essence, Ngomane (2016) states it categorically that PEPUDA prohibits unfair discrimination on the grounds of gender and one's sexual orientation in the public and private spheres of society.

The table below seeks to highlight some of the key legislations and policies that the democratic government enacted to give full expression and practical meaning to the country's constitution regarding land reform. The list is not entirely exhaustive as it is restricted to legislations that have impacted on the environment within which rural women live.

**Table 2.2:** Post 1994 key land reform legislative and policy context and rural women

<b>Year</b>	<b>LEGISLATION DESCRIPTION</b>	<b>PURPOSE/OUTCOME</b>
<b>1994</b>	Restitution of Land Rights Act 22 As Amended	Provides for the restitution of land rights to a person or community dispossessed of property after 19 June 1913 as a result of past racial discriminatory laws or practices; the person or community is entitled to the restoration of such property or equitable redress.
<b>1996</b>	Land Reform (Labour Tenant) Act No. 3 of 1996 (RSA 1996)	This Act aims to give security of tenure to land occupants and labour tenants, and to support them in the acquisition of land.
<b>1997</b>	The White Paper on South African Land Policy of 1997	This White Paper considered the three main objectives – redistribution, restitution, and tenure reform.
<b>1997</b>	DLA Gender Policy	Mainstreaming of gender equality into all departmental programmes
<b>1997</b>	Extension of Security of Tenure Act of 1997	The Extension of Security of Tenure Act of 1997.  This Act's main objective is to safeguard the security of tenure, particularly of long-term tenants who are often subject to evictions without notice.
<b>2004</b>	The Communal Land Rights Act of 2004.	This Act's objective is to provide the government with a mechanism with which to rectify and amend land practices. The Act is applicable mainly to people or communities whose tenure was made insecure by discriminatory or racist practices of the past.

**Source:** Rural Agrarian Monitor (2020: 107)

### **2.6.5 Land Reform Legislative and Policy Challenges**

As with any government programmes' implementation, land reform has had its fair share of challenges. There is a body of evidence and literature which has been critical of the broader land reform failures and its challenges. Amongst those, the literature reveals that when the land reform programme was initiated, the government of the day in 1994 set targets on the extent of land to redistribute to those who were on the receiving end of colonial and Apartheid land rights dispossession and the investigation and settlement of claims . The 30% target of redistributing agricultural land more equally by 1995 could not be achieved, as the actual performance was around 1%, and as a result Cousins (2013:10) further indicates that this led to the government shifting targets to a point that they admitted that the government programme had failed. Kepe and Hall (2016) have also indicated that by 2016, the programme of redistributing land had failed completely as only 4% of agricultural land had been transferred to previously disadvantaged Blacks.

On labour tenancy, the report commissioned by the office of the Presidency indicates that the security of tenure for people living on farms owned by others has not improved, as spate of farm evictions continue unabated. Just between 1984 and 2004, 4 183 427 farm dwellers were displaced from farms in South Africa whilst 1 679 417 evictions took place during the same period (Wegerif et al. 2005). At macro and conceptual level, other studies have been scathing on the contradictions within the country's land reform, arguing that in the post-1994 dispensation, the country's first democratically elected government prioritised a market-led strategy for land reform, which continues to privilege agri-business and traditional authorities. Most land reform activists and analysts alike attribute the precarious situation of the programme of land reform to the country's adoption of a principle of Willing Buyer Willing Seller (WBWS), which meant land reform would only happen at the behest of those who were beneficiaries of colonial and apartheid land dispensation.

At the applied and implementation level, the slow pace of settling claims could not be over emphasised as there was a far cry that the restitution programme had failed dismally. For instance, Logan, Tengbeh, Petja (2012) posits that in 1998 and 1999, the Commission was given more latitude to process, negotiate and facilitate settlements and resolution of conflict in land claims. This was made so that claims were to be finalised by 2003 and complete resolution of claims, land restitution and or compensation, by 2013. However, it would seem the performance did not improve as expected as the Land Claims Commission reported that it had settled 33,510 out of 69,000 claims lodged (Moseley, 2006; 2007; Umhlaba Wethu, 2004; 2005). However, whilst

this may have been interpreted differently by different people, Kepe and Cousins (2002) argue that much of this performance comprised largely of urban claims settled through financial compensation (cash payments) and did not include claims for land restoration.

Whilst the study is about land reform and empowerment of women in rural areas, of which thematic areas in line with the main thrust of the study will be discussed below, it is noteworthy to that there have been some concerns about the gender policy and implementation at a departmental level. Walker (2005) argues that the land reform White Paper, the DLA's Gender Policy, the LRAD policy, even the CLRA, are all, however, what may be termed 'first tier' policy documents, operating at a high level of generality, which do not provide a compass for the day-to-day decisions that shape land reform in practice. By themselves they are not useful measures of commitment to women's rights in programme implementation.

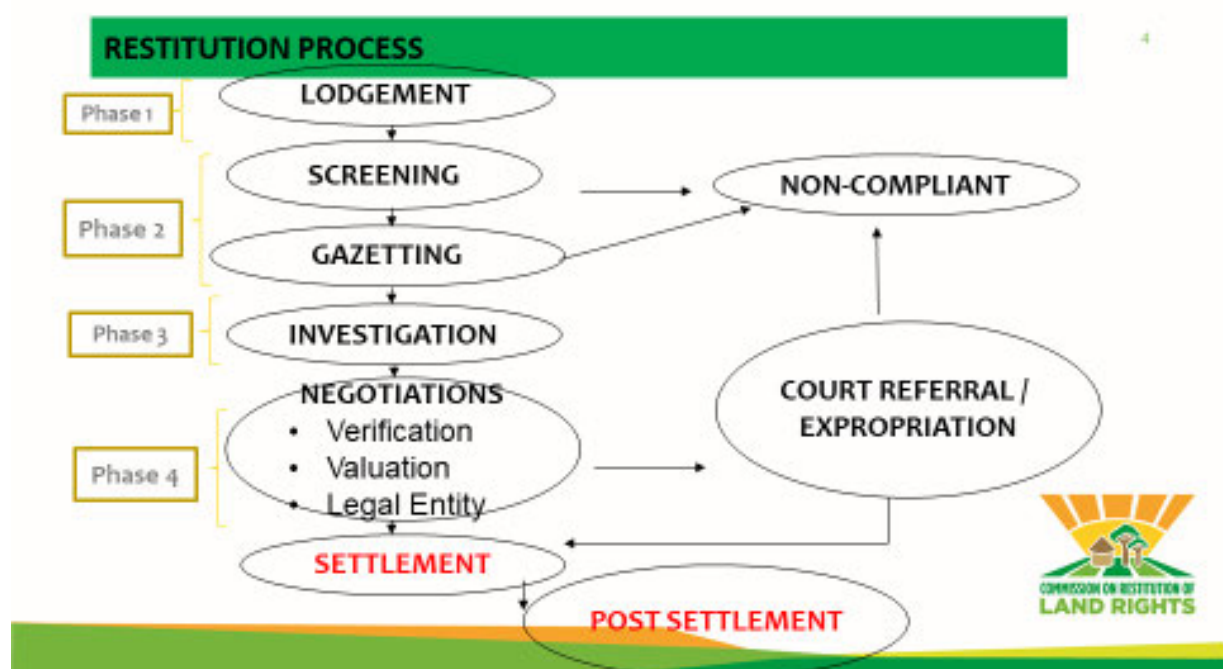
She concludes her argumentation by stating that there is a discord between policy and practice which can be blamed largely on the departmental failure to hold its own management accountable for their Gender Policy, compounded by the glaring weakness of the women's movement in the rural areas, and conceptual inadequacies in the way in which gender equality and women's rights have been understood. Walker (2005) is worried that the disjuncture between policy and practice has not made it easy for analysts to appraise land reform within the context of gender and women empowerment, and y reflect accurately on the extent to which the departmental land reform programmes empower rural women (Walker, 2005). Case studies like these have attempted to contribute to a wider discussion that highlight land reform issues through the lens of beneficiaries who are rural women.

### **2.6.6 Land Restitution in South Africa**

Section 25 (7) provided for the enactment of the Restitution of Land Rights Act, No.22 of 1994 as amended, to ensure that a person, a group or community dispossessed after 19 June 1913 due to skewed racial laws or practices of the past is entitled either to restoration of that property or to equitable redress. The Restitution Act further provides for the establishment of the Commission on Restitution of Land Rights whose primary function is to receive, investigate, negotiate and settle land claims lodged before 31 December 1998. The specific mandate of the programme include the following important deliverables: promotion of equity for land rights dispossession victims by the colonial and apartheid State, with more particular emphasis on the ones without land and poor rural people; facilitation of initiatives aimed at developing the land

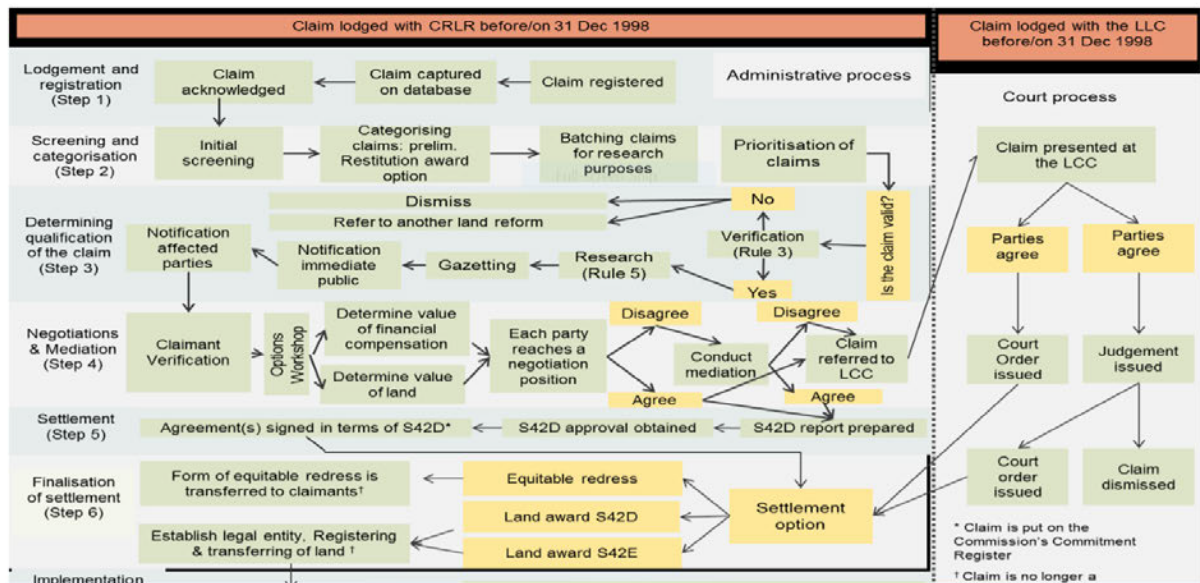
by bringing together all relevant stakeholders in the restitution space; promotion of peace and nation building through the restitution process; and lastly advanced equitable redistribution of land rights ( Logan, Tengbeh and Petja, 2012).

Even though the study is not necessarily about the business process of the Commission, it may be quite important to reflect summarily on the business process of this statutory body (CRLR). The diagram below seeks to show the key restitution process which the Commission is mandated by the Constitution and the Restitution Act, No. 22 of 1994, to perform.



**Figure 2.1.** Restitution Process

Source: CRLR (2017: 89)



**Figure 2.2** Detailed process flow for the Land Restitution Programme

**Source:** Genesis Analytics (2014:6)

### 2.6.6 (a) Land Restitution performance

As indicated earlier in this chapter, the restitution programme being a legal process dealing with land rights would be extremely slow in settling claims. However, with the amendment to the Restitution Act, the Commission was given more space and authority to negotiate and settle claims using the administrative process more than the Land Claims Court. It would seem that indeed improved the performance to some degree (Logan, Tengbeh and Petja 2012) indicate that by 2002, the number of claims settled reached 33,510 out of 69,000 claims lodged. Even though some scholars and land reform activist cautioned that yes, the number might have increased but it did not translate to sizeable hectares of land being transferred to claimants which is what the programme should also do and achieve.

Despite the nature and quality of settlements, with more claims settled through an administrative process, there is some consensus that the number of claims processed over years has been improving. It is no coincidence that during the 2018/2019 Financial Year (FY), the Commission on Restitution of Land Rights (CRLR, 2019) reported that the number of claims settled since 1994 reached its highest levels as the Commission settled 80 664 claims, bringing to 2.1 million the total number of people who have benefitted from the 3.5 million hectares of land transferred through the Land Restitution programme. More than 163 000 households

which have received land are female headed, and they are mostly community claims situated in the rural areas of the country (CRLR, 2019).

Between the periods of 01 April 2017 to 31 March 2018 the Commission settled 850 claims against an APP target of 1001 and approved 71 phased projects against a target of 101. The settlements benefited 12 231 households and 58 979 beneficiaries. The settlements also approved 63 753.8563 hectares for restoration to claimants at a cost of R664,912,827.00 and the financial compensation approved amounts worth R1,501,791,527.27. The total financial implications of the settlement for the financial year is R2,166,704,354.27. The Commission also finalised 865 claims against a target of 724 and researched 1201 claims against a target of 916.

Despite the notable increase in the number of claims settled including the number of female headed households who benefitted from the 3.5 million hectares of land transferred through the programme of land restitution, studies conducted seem to suggest such settlements have not translated into something meaningful to beneficiate and empower rural women beneficiaries.

On settled claims involving rural communities, Claassen and Sihlali (2020: 22) point out that the post settlement failures on restitution projects have led the department to fall back on old elites, traditional leaders who are in full control of CPAs or Trusts and White farmers to manage the land. As a consequence, Black beneficiary families who were removed forcibly from the land they farmed productively and dream of returning to are left massively devastated. What is even more tragic is that, once land rights have been restored to communities, women tend to have less land, have weaker land rights, have less influence in community decision making and tend to lose access to land, as a result of inheritance systems based on male succession. This was further amplified by Walker (2007) who argue that even where women have been listed as independent household heads and as beneficiaries in their own right, their access to land has been mediated overwhelmingly through their membership in patriarchal households.

## **2.7 Level of Women Participation, Representation, and Empowerment in Land Restitution internationally**

Article 14 of the United Nations' Convention on the Elimination of ALL Forms of Discrimination Against Women (CEDAW), ratified by South Africa in December 1995, recognises rural women as a group with special problems who should be empowered to

participate in, and benefit from, rural development and land reform. This is reinforced by article 10 of the Beijing Platform of Action, cited in Cornwall and Rivas (2015:12) which reads:

“The full and equal participation of women in political, civil, economic, social and cultural life at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community”.

In line with BPFA, Odeny (2013) adds that for land reform to be effective it would require women’s participation at policy formulation and at a level of implementation to be on par with men in order for gender equity to be achieved in a land tenure system. Women participation in local land management and administration committees including in dispute resolution/management committees is very important for women’s empowerment as it enables them to actively take part forcibly in decision making processes at community level and beyond. Of course, this should also be the case in their households too. Meaningful representation is an important step towards assisting women to have full access to established rights. Therefore, it is not just a matter of placing women in positions to add to numbers, but to ensure that their voices are elevated to greater heights for them to be heard (Odeny, 2013).

Various studies on land reform indicate that a lot of countries in the globe have attempted to implement the land restitution model which, according to Harper (2017: 119), is a model premised on the actual return of confiscated property to former owners. In instances where physical restitution is not possible, the government substitutes some form of compensation, including cash, bonds, or vouchers in privatised industries. Many countries that are on an upward trajectory in terms of development consider land restitution as an essential mechanism to start and stimulate increase in agricultural production and dent prevailing poverty levels in rural areas (World Bank, 2016).

Even though not many studies have been conducted to explore the extent of women participation and women empowerment in settled restitution projects, it may be worth mentioning that in land restitution there is some degree of participation at the level of investigation, options workshop on settlement and post settlement, which is often facilitated by the Land Claims Commission. As it might have been noted earlier in this section, most countries have constitutions and legislations which emphasise the importance and centrality of gender equality and equitable access to, and control over land resources. Available literature indicates that the levels of participation by women in policy and programme formulation, and

implementation, is very low, as men tend to be more vocal and overrepresented. However, whilst this may be true, there are studies which revealed some link between land rights within land reform and rural women empowerment.

In some parts of countries in Asia improved women's rights in land have been associated with (1) lower reported rates of long-term physical and psychological domestic violence (Gupta 2006; Panda 2006); (2) improved family nutrition (Allendorf, 2007; Katz and Chamorro, 2002); (3) improved children's educational achievements (Katz and Chamorro, 2002); (4) decreased fertility (Field 2003); and (5) increases in women's ability to participate in their households' decision making (Santos, Savath, Fletschner and Peterman, 2013; Allendorf, 2007, Savath, Fletschner, Peterman and Santos, 2014). For instance, in Vietnam, Menon, Van der Meulen Redgers, et al. (2016) posit that gendered land rights have resulted in some sort of empowerment as women Household Living Standards improved, rate of women's self-employment increased whilst household vulnerabilities to poverty were also lowered quite significantly. Similar observations were reported in Rwanda, Ethiopia where restitution in a form of individual and joint-land titling resulted in positive outcomes for women households. As participation in household decision making increased, the welfare in their households also increased (Bayisenge, Hojer and Espling, 2015).

### **2.7.1 Women's Empowerment and the Benefits of Land Restitution**

In some parts of India, it is argued that the issue of women's access to land is paramount as there is a growing body of evidence that suggests that land access is likely to have positive effects on women and their family's welfare, agricultural productivity, poverty reduction and women empowerment (Agarwal, 2003). Walker and other writers argue that the meaning and value that the different women attach to land rights and land reform vary depending on a number of factors that are at play in any given point in time. When one looks at how women empowerment is defined, it is clear that there is no one framework of standard indicators which can be used to determine the extent to which land reform beneficiate women's empowerment in the rural areas.

However, be that as it may, some studies have been used as the frame of reference indicating that land reform has benefits to women in terms of empowerment. Other than enjoying access to land, there was reported reduction of long-term physical and psychological domestic

violence (Gupta, 2006; Panda, 2006), improved family nutrition (Allendorf, 2007; Katz and Chamorro, 2002, cited in Santos, Savath, Fletschner and Peterman, 2014); and increases in women's ability to participate in their households' decision making (Santos, Savath, Fletschner and Peterman, 2014). In Zimbabwe, Dandea and Mujere (2019) also indicate that even though the number of women who benefitted is smaller than that of men, women benefitted. However, it is interesting to note that the big percentage of women were more of elite than the rural women, categorised as marginalised (Dandea and Mujere, 2019).

### **2.7.2 Women Participation in Decision- making in Land Restitution internationally and in South Africa**

Though there is statutory and constitutional obligation for countries to promote women's equality and equity in land reforms, various studies have been critical about full commitment and political will to achieve gender equality and full participation of women in land restitution claims and projects. The body of knowledge seems to suggest that even though some restitution projects involve women, the patriarchal nature and the colonial imprint which reinforce the discrimination of women in favour of men persist (Pheko, 2016). This is true in most countries in Africa, Asia and Latin America. In Europe the results may be different to what could be the case in most African and Asian countries as the form of restitution and the number of countries that implemented Restitution are quite minimal.

In Columbia, Godas and Wing (2014) argue that Victims and Land Restitution Law was very specific in terms of inclusion of women and men in the title-deed, and guidelines and special procedures were introduced to give full meaning and practical expression to this law. In South Africa and Zimbabwe most studies have concluded that indeed there is some improvement in the involvement of women; however, decision making remains the terrain largely dominated by men. The extent of this was best typified in Rwandan land restitution where after 1994 it is indicated that due to the aftermath of the genocide, the number of women headed household was more than households that were headed by men. however, Godas and Wing (2014) argued that this reality was not consistent with the ownership of land using the gendered lens as it was recorded that a big chunk of Rwandan land was owned by men with a small percentage in the hands of women.

This point is further dealt with by Claassen and Sihlali (2020:22) who argue that the marginalisation of women in community claims is worse at post settlement since most community restitution projects have been taken over by old elites and traditional leaders who are in full control of CPAs or Trusts. In Zimbabwe despite their involvement during FTLRP, only 12% of women headed households were allocated land, and those were in informal settlement whilst the productive land benefited only a small number of women elites who had connections with war veterans (Scoones, Marongwe, Mavedzenge, Murimbarimba, Mahenehene and Sukume, 2011). This was further amplified by Walker (2007) cited in Razavi, (2007: 149) when she argues that the situation of women is further complicated by the persistent existence of patriarchy at all spheres of life from their household beyond to the community. The situation is so dire that even where women have been verified and listed as heads of household and deserving beneficiaries, their access to land has always been tied to a relationship with men in a household either as a wife or daughter.

### **2.7.3 The barriers and problems women beneficiaries face in restitution claims and projects internationally and in South Africa**

Generally, BPFA (1995) recognises that women face barriers that prevent them from enjoying equality and advancement to the fullest due to a myriad of factors that include their race, language, culture, religion, ethnicity age, or disability, or worse, because they are indigenous women of certain class and status. Furthermore, women generally experience specific obstacles linked to their status in their family, particularly as single parents, and to their socioeconomic standing, including their living conditions, in rural, remote, or impoverished areas (BPFA, 1995).

This commitment to gender equity in land ownership has not translated into reality because patriarchal attitudes among community members and leadership structures ensure that women do not participate effectively in the land reform process (Walker, 2008). According to the UN report (2012) and World Bank (2013), which is relevant to the Mkhwanazi case study, barriers in accessing land by rural women entail (a) the exclusion of women when programmes are designed, (b) lack of awareness of rights due to low literacy levels, (c) difficulty and inability of rural women to access information on land reform programmes, (d) gender-biased officers who come from patriarchal societies and thus treat women unequally to men, and (e) something

which has already been mentioned in the same paragraph above i.e. cultural and religious community and family dynamics that discriminate against women.

Within land restitution, Hall (2005) attributes the challenges faced by women to the general orientation and the legalistic nature of the Restitution programme. She posits that the Restitution programme is essentially rights-based and as a result of that restores land rights to those who formerly held them, leaving the status quo unchanged. It is therefore no mistake and inevitable that under Apartheid, the patriarchal system in which land rights were denied to African women was perpetuated. Therefore, the effect of rigidity and rights-based orientation of the Restitution programme, is the restoration of land rights to men as though only men existed during the colonial and apartheid era in the country.

Overall, patriarchy is viewed as the main barrier that put rural women in a more precarious situation. As it is patriarchy that weighed heavily on rural women, has stamped out land rights and tenure for women who are also compromised not only legally but through systemic unequal power relations in rural communities. As a result of the patriarchal nature of the rural ecosystem, traditional leaders, entrusted to take care of their communities are seen, in general, as hampering, rather than serving or protecting, women and their rights (RSA's Office of the Presidency, 2019).

Furthermore, in instances where chiefs are claiming or holding land on behalf of communities, the restitution process has resuscitated the chieftaincy, a system known to undermine the government's political and constitutional commitment to restructuring gender relations (Hall, 2005). The effect of this on women empowerment is dire as the conditions of rural women, trapped in societies that are highly patriarchal and ravaged by poverty, have not improved. This is exacerbated at post settlement of community claim as Claassen and Sihlali (2020) argue that due to government failure to provide necessary support, this has led the department to fall back on old elites, traditional leaders who are in full control of CPAs or Trusts and White farmers, to manage the land, leaving beneficiaries (mostly women) massively devastated. What is even more tragic is that, once land rights have been restored to communities, women tend to have less land, have weaker land rights, have less influence in community decision making, and tend to lose access to land as a result of inheritance systems based on male succession (Classen and Sihlali, 2020).

### ***2.7.3 (a) Lack of Ownership and Control of Land by Rural Women***

The issue of land ownership and control is extremely important. Just to give context to this, Ramutsindela and Hartnack (2019) argue that although countries like South Africa and Botswana have seen an increased number of women gaining access to land, ownership and control remains a problem. As in the case of Mkhwanazi community, women in communal rural areas face greater difficulty in owning and controlling land, due to customary laws within their environment (Commission for Gender Equality, 2009; Poverty, Land and Agrarian Studies, 2016; United Nations Economic Commission for Africa, 2017). Agarwal (1994) distinguishes between ownership and control of land, stating that gaining legal rights and/or ownership over land does not necessarily mean that the property is controlled. Providing women with legal ownership of property as indicated in many parts of the developing world “does not guarantee control” (Agarwal, 1994:12) as there are other social and financial restrictions that are also barriers to women being unable to achieve their capabilities (Agarwal, 1994; Cundil, Parkins and Trefry, 2014; Kabeer, 2005).

### **2.7.4 Capacity Building Needs of Women Land Restitution Beneficiaries Internationally and in South Africa**

The available literature across the third world and developing countries has revealed that the challenges faced by rural women beneficiaries vary depending on the country and peculiarities of its dynamics. There also seems to be consensus on broad issues or challenges which beneficiaries should be capacitated to deal with in relation to land rights and empowerment. The reality of intra community and household dynamics dictate that women should be capacitated to know their legal rights as individuals and also as part of the bigger community of beneficiaries. The Agency for Cooperation on Research and Development (ACORD) (2012) has identified the area of enhancing capacity around community engagement, awareness, protection of rights, and negotiation skills as incredibly important in capacity building for rural women. Across many studies, it is evidently clear that most women should be capacitated around these areas because constitutional and legislative guarantees alone would not assist beneficiaries as they often are unaware of their rights and how to hold those in power and leadership positions accountable to enforce them. Where there is an awareness because of cultural and traditional practices, women regard issues of land as an exclusive domain for man, either as husbands or as sons.

Training community members as paralegals, topographers and conflict mediators can help build community skills and increase the probability that women's concerns will be addressed. Women's organisations can be effective tools in promoting local participation, building consensus and raising consciousness at all levels, especially as women are generally not well represented in decision-making bodies, and they are often instrumental in pressuring for government programmes to include women as equal participants.

In ensuring capacity building becomes effective and beneficial to rural women, PSACLRA (2019) recommends that in as much as customary law is adaptable and resilient, it should be developed to suit modern day challenges and to eradicate patriarchy, to ensure that the land law recognises individual women's rights, document customary law tenure systems, make statutory provision for the joint registration of customary land rights where this will be to the benefit of women, and lastly merge marriage and inheritance laws so that they do not place women at a disadvantage (RSA's Office of the Presidency, 2019).

As earlier indicated, the literature on the failures of many facets of South African land reform especially in achieving most of its very key strategic objectives in the White Paper on Land Policy of 1997 is a cause for concern. This picture becomes even worse when it is situated within the context of gender, especially in rural women. If the Land Reform addresses the issue of gender disparity, the inequality gap in South Africa can be narrowed, and thus poverty will be decreased sharply, and rural women will be empowered.

### **2.7.5 Conclusion**

This chapter discussed and reflected on the research topic in line with the available literature on land reform and empowerment of rural women globally, on the African continent and SA. Available literature revealed there are benefits accruing to women in several parts of Asia that are empowering to rural women. Discussions also covered the historical context of land reform during the colonial and apartheid governments era, and constitutional and legislative changes introduced by the 1994 democratic government on land reform and empowerment of rural women. Challenges and barriers faced by women in rural areas were also discussed. The next chapter, Chapter Three is about the theoretical framework and foundation on which this study is anchored.

## **CHAPTER THREE**

### **THEORETICAL FRAMEWORK**

#### **3.1 Introduction**

The previous chapter presented the broad overview of the programmes of land reform and benefits associated with the empowerment of women. As well as the implementation challenges that countries like South Africa face. This chapter is dedicated to the philosophical worldview and theoretical framework underpinning the research. The historical origin of the theory and its relevance to the study on land reform and empowerment of rural women is also being discussed in this chapter.

##### **3.1.1 Definition of Empowerment**

Moyo, et al. (2012) mention that empowerment is a process with multiple dimensions which has been interpreted differently by various authorities. The World Bank (2001) defines empowerment as the process of enhancing the capacity of persons or groups with a sole intention of making choices and then effect necessary transformation of those choices into desirable actions and outcomes. Kabeer (1999: 437) defines empowerment as “the expansion in people’s ability to make strategic life choices in a context where this ability was previously denied to them”. Oxaal and Baden (1997: 6) cited in Moyo, et al. (2012:4865) assert that empowerment is a process whereby women are at liberty to venture on their own in the analysis of their situation, identification and articulation of their needs and interests on their own, without the interference of planners and social actors imposing from above.

It is also important to understand the above definitions within the context of the United Nations Women’s Equality and Empowerment Framework (WEEF, 1994) which categorises empowerment of women into five phases, namely, welfare, access, livelihoods, awareness-raising, participation and control. This, therefore, is important in the light of Kabeer ‘s theory of women empowerment adopted in the study as it is premised on the belief that in order for women to be fully in charge of their livelihoods and their empowerment, they must be able to access resources, be aware of the structures and institutions that hinder their progress, be involved in decision-making processes actively and finally assume full control of the resources, at their disposal (Kabeer, 1999).

### **3.2 Women Empowerment Theory as the Framework of the Study**

A theoretical framework is defined as the structure that holds or supports a theory of a research study (Creswell, 2009). Ravitch and Carl (2016) further elaborate on the significance of a theoretical framework by positing that it assists researchers in situating and contextualising formal theories in their studies as a guide. This study incorporates the Women empowerment theory, and this grounds all the issues faced by women and establishes the issue of development that can be addressed by the emancipation of women.

### **3.3 The Origin of the Women Empowerment Theory**

Historically, this theory was associated with national liberation movements throughout the world; this has made strong contributions to the American civil rights movement, and the feminist movements in developing countries (Calves, 2009). In Europe, particularly in Britain and Germany, the women empowerment theory was used in the 1970s in order to launch the struggle for social justice and parity between men and women, and facilitated through the establishment of economic, social and political structures (Kamal, 2005). The many origins and sources of inspiration of the notion of empowerment can be traced back to such varied domains as feminism, Freudian psychology, theology, the Black Power movement, and Gandhism (Simon, 1994; Cornwall and Brock, 2005).

The notion evolved over time as it permeated the field of international development such that as Larsson (2016:4) points out, women's empowerment was adopted as one of the main agendas for the international community in 1995 at the Beijing Conference. In the 1990s leading up to 2000, the World Bank institutionalised the term "empowerment" in the new poverty alleviation discourse which involved mostly rural women in the main (Calves, 2009). Parpart (2013) cited in Larsson (2016:4) posits that the adoption inspired hope among feminists as it symbolised a global recognition of the social transformation project that feminists had been advocating for years. With the concept's root in feminist movements, women's empowerment was brought about as a call to transform gendered power structures by abolishing the patriarchal order.

### **3.4 Women Empowerment Theory, Rural Women, and Land**

This theory helps women to be self-conscious and realise their abilities and skills to improve their quality of life and to make strategic decisions related to their lives. In female headed

households, women make all the decisions for the family therefore this means all economic productivity in rural areas is dependent on the ability of women to realise their abilities and the importance of their role in acquiring land and making the right strategic decisions for the use of the land. According to the World Bank (2013), land as an asset is an important source of security against poverty across the continent and the rest of the developing world. But unequal rights to land put women at a disadvantage, perpetuate poverty, and entrench gender inequality in Africa (World Bank, 2013), which the empowerment theory seeks to address. Therefore, given the value of land and feminisation of poverty in rural areas, gender has become a critical issue in women's land rights due to the fact that there is direct relationship between accessing land resources, having secured land rights, achieving food security and overcoming poverty (World Bank, 2013). The study's theoretical framework is premised on Kabeer's theory of women empowerment which entails three fundamental dimensions that are interrelated i.e. Resources, Agency, and Achievement.

### **3.4.1 Kabeer Women Empowerment Theory**

Kabeer's Women Empowerment theory is characterised by three interrelated dimensions of empowerment i.e. resources, agency and achievement. Kabeer defines empowerment as the process that involves the expansion in people's ability to make strategic life choices in a context where this ability was previously denied to them (Kabeer, 1999:436). It is one's contention that when land dispossession happened, women suffered the most because of the crucial role which they played in household maintenance, welfare and many other livelihood activities with sustained families in rural areas. Therefore, the consequence of this was that rural women were denied the ability to make strategic life choices as they were disempowered, and patriarchy reinforced and perpetuated this even in the democratic dispensation of 1994.

Kabeer (1999) states that changes in one's ability to exercise choice can be conceptualised and rationalised on the basis of three dimensions of power which are all interrelated, and constitute choice: Resources, mainly form the conditions necessary for choices to be made; Agency, which is at the heart of the process by which choices are made; whilst Achievements are the outcomes and end result of choices. Kabeer (1999:437) argues that the one way of thinking about power is in terms of one's ability to make choices. The strategic life choices are a necessary requirement that assists in the formation of the second order choices, and do not have as much consequences for people's lives but may be of paramount importance for one's quality

of life. She underlines that these dimensions are interdependent because changes in each contributes to, and benefits from, changes in the others (Kabeer, 1999: 435).

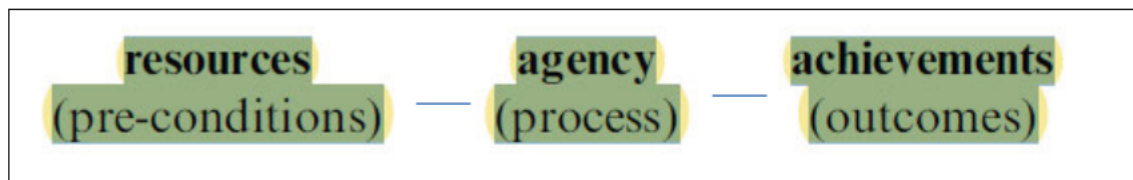
According to this theory, Resources can be material, human or social in nature and are very important as they form the basis on which women's ability is enhanced to be able to exercise choice more freely. Human resources are embodied in the individual and encompasses his or her knowledge, skills, creativity, imagination and so on. Social resources, on the other hand, are made up of the claims, obligations and expectations which are embedded in the relationships, networks and connections which prevail in different spheres of life and which enable people to improve their situation and life chances beyond what would be possible through their individual efforts alone. However, for purposes of the study, the resources would be referring mainly to land restored because of its socioeconomic value and the potential and ability to empower women in rural areas.

This theory suggests further that Resources are distributed through a variety of different institutions and processes and access to resources will be determined by the rules, norms and practices which prevail in different institutional domains. In this instance the community of claimants through their legal entity, Phalane Board, become the actors with authority on the allocation of resources that are linked to the restituted land. So, in essence, the Phalane Community Trust is endowed with decision making authority especially in relation to the land that the community received as a result of the settlement of their restitution claim.

The second dimension of power relates to agency, which, according to Kabeer (1999) refers to the capacity to unpack and define one's goals and act upon them. Agency goes beyond what the eyes can see as action in its observable shape and form as it entails meaning, motivation, and purpose that are brought by individuals to their activity, their sense of agency, or 'the power within'. Agency also encompasses collective, as well as individual, reflection and action.

The third dimension of achievements refers to the outcome that has been realised because of the empowerment process that involves the resource and agency. For instance, even though the issue of measurement relating to women empowerment is still debatable amongst the development analyst and feminists theorist, there are studies which have established that land rights and access have led to household welfare, improved livelihoods and improved socioeconomic status amongst women resulting in empowerment of women in the main. Using

certain elements of the theory, all these outcomes are the achievements which have been made possible by a certain resource, which combined with agency, women acted on the situation internally and externally and resulted in the empowerment of women. Below is Kabeer diagrammatic conceptualisation of the women empowerment theory which provides the theoretical positionality and framework of this study conducted.



**Figure 3.1** Kabeer Theory of Women Empowerment

**Source:** Kabeer (1999: 475)

Therefore, the theory of empowerment as conceptualised by Kabeer (1999) becomes more relevant and critical for the study of land restitution and empowerment of rural women beneficiaries who, through the process of land restitution, received an invaluable resource of productive agricultural land. It serves as the most appropriate theoretical foundation on which the pursuit of the study is anchored. Kabeer further posits that empowerment can happen at the level of the individual within the institution of a household at community structures and institutions and beyond (Kabeer, 1999). So, the relevance of the theory in women empowerment which Kabeer regards as the process of social change cannot be overemphasised because it touches all the levels and structures that influence the capacity of individual women to make strategic choices to empower themselves.

### **3.5 Conclusion**

This chapter looked at the theoretical positionality of the study which is the theory on women empowerment with the main proponent being the feminist theory of Naila Kabeer. The significance of the theory on empowerment of rural women and land reform is that whilst it addresses issues that disempowers women in rural areas, it also deals with the patriarchy which is embedded in the institutions and structures in the society and communities that women are part of. The resource, agency and achievements theory is relevant for the study of Mkhwanazi restitution because numerous studies and analysts within gender, land reform and empowerment have shown that land has the potential of extricating rural women from poverty and the ability to empower rural women. It is for this reason that land is a valuable resource

which has immense potential of changing women's life for the better and empowering women. The next chapter is about the research methodology employed in pursuit of the Mkhwanazi restitution project, the research design, data collection, analysis, and ethical consideration in the context of the study.

## **CHAPTER FOUR**

### **RESEARCH METHODOLOGY**

#### **4.1 Introduction**

The previous chapter mainly focused on the most critical component of any research study, which is the theoretical foundation on which the study of land reform and rural women empowerment is anchored. Now, this chapter is solely dedicated to presenting and discussing the research methodology that informed and guided this study. A research methodology is defined as a way to solve the research problem systematically which involves the structured process of conducting the research (Gounder,2012). It is the specific process or technique used to identify, select, process and analyse particular information needed about an issue or topic (Qureshi, 2020). The primary aim of this chapter is thus to present the research design, the research strategy, the population that is subject of the study, the sampling procedure and the method used to collect data, data quality control, analysis and the ethical considerations pertaining to the entire research.

#### **4.2 Research paradigm and philosophical worldviews**

Du Plooy-Cilliers (2014 :19) describes the term paradigm as a cluster of belief which dictates how the research should be done, and how the results should be interpreted. It is for this reason that Creswell (2009:5) posits that a researcher should make explicit the philosophical assumption which they espouse as this would often lead to a type of research approach that will be employed in the research. There are four different types of philosophical worldviews, which include the post-positivism world view, the social constructivism, advocacy /participatory and transformative or pragmatic worldview (Creswell, 2014). In this study, the researcher adopted the interpretivism worldview as the data was collected from the women beneficiaries of Mkhwanazi using open-ended questions during the interviews and focus group discussion. Unlike positivist, who value objective and value-free research that is not tainted by personal bias, interpretivists believe that researchers in the social science discipline or field should study and describe meaningful social action through understanding the behavior of humans (Creswell, 2008, 2014; Du Plooy-Cilliers, 2014). The significance of this worldview, according to Chowdhury (2014) is that it allows the researcher to see the world through the eyes of the people being studied, allowing them multiple perspectives of reality, rather than the ‘one reality’ of positivism.

### **4.3 Research Design**

A research design according to Creswell, (2009:5) is a plan to conduct research and it entails three critically important elements. These are: philosophical worldview or philosophical assumptions, strategies of inquiry, and specific methods or procedure of the research. Closely linked to the above definition is that of Mouton (2001:56) which describes the research design as an architectural design or blueprint of a research project and the execution of the design, the research process or methodology as the construction process using methods and tools. Other authors who have also attempted to define research design is Yin (2009:24) who defines research design as the logic which links the data to be collected and the conclusions to be drawn to the initial questions of the study. He further expands on the definition by drawing from the work of other scholars referring to it as a plan that guides the investigator in the process of collecting, analysing, and interpreting observations. Creswell (2009) further states that there are three types of designs that could be considered for a scientific research study and those are: qualitative, quantitative and mixed methods.

This study adopted the qualitative design. Qualitative design is exploratory in nature as it assists the researcher to understand the meaning that individuals or groups attach or assign to a social or human problem (Creswell, 2009). The purpose of this study was to explore the extent to which the settlement of the restitution claim benefitted women empowerment at Mkhwanazi Land Restitution project in Umhlathuze City Municipality of the King Cetshwayo District. To Creswell (2009), qualitative design is best suited for the study as it is more about exploring and understanding meanings. In this case rural women beneficiaries in Mkhwanazi attach a certain meaning to the programme of restitution in so far as the empowerment of rural women is concerned. Therefore, given the nature of the study which was to explore the understandings of individual rural women's views, opinions and perceptions on land restitution and their empowerment, a qualitative research design was found to be appropriate in this regard.

### **4.4 Research strategy**

According to Creswell (2009:12) there are a number of ways that a researcher could consider in pursuing a qualitative research and notably amongst those are the following: ethnography, grounded theory, phenomenological, narrative, and a case study strategy. This study employed a case study strategy as it explored a programme of government implementation on the ground and how it assists in the empowering of rural women beneficiaries in the Mkhwanazi

community land settlement. Case study is a strategy of enquiry in which the researcher explores quite extensively a programme, event, activity, process, or one or more individuals. Other key distinct features are that Case studies are always time and activity bound, and researchers collect detailed information using a variety of data collection procedures over reasonable time or a sustained period of time (Creswell, 2009).

According to Yin (2009) the case study method is defined as an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life situation, especially when boundaries between the phenomenon and context are not clearly evident. It is for this reason that the case study was used in the research study of Mkhwanazi Land Restitution project. Other research strategies that are relevant and applicable, when a qualitative study is pursued include ethnography, grounded, phenomenological, and narrative research strategy. The approaches presented in the table below can be adopted in various study research approaches (Creswell, 2009).

**Table 4.1:** Alternative strategies of inquiry

Quantitative	Qualitative	Mixed Methods
<ul style="list-style-type: none"> <li>• Experimental designs</li> <li>• Non-experimental designs such as surveys</li> </ul>	<ul style="list-style-type: none"> <li>• Narrative</li> <li>• Phenomenological</li> <li>• Ethnographies</li> <li>• Grounded theory</li> <li>• Case study</li> </ul>	<ul style="list-style-type: none"> <li>• Sequential</li> <li>• Concurrent</li> <li>• Transformative</li> </ul>

**Source:** Creswell (2009: 12)

The table above presents strategies of inquiry that are applicable when research is conducted using quantitative, qualitative, and mixed methods designs. This study employed a case study strategy as indicated in the above section.

#### **4.4 Data Collection Method and Tools**

Data collection is defined as the process of collecting and measuring data on variables of interest, in a systematic fashion which is entrenched, and also allowing for one to answer stated research questions, test hypotheses, and evaluate outcomes (Kabir, 2018: 202). Creswell (2009:178) avers that data collection includes setting the boundary of the study, collection of

information through unstructured or semi structured observations and interviews, documents, and visual materials, as well as establishing the protocol for information recording.

Qualitative data are mostly non-numerical and usually descriptive or nominal in nature. This means the data collected are in the form of words and sentences. Data collection methods can be divided into two categories: secondary methods of data collection and primary methods of data collection.

#### **4.4.1 Secondary data**

According to Kabir (2018) secondary data refers to a type of data that has been published previously in journals (academic and non-academic), magazines, newspapers, books, online portals, and other sources. Therefore, in this context, in this the study the researcher used secondary data as the building blocks of the study in the construction of the background, identification of the research problem that necessitated the research, and the literature review coupled with the theoretical framework of the study. Other important sources used as secondary data in this study included government reports, legislations, policy documents, articles and internet. The use of secondary data is advantageous because it is convenient and cost effective due to availability of academic journals and books.

#### **4.4.2 Primary Data**

Primary data can be defined as that which the researcher has first-hand information on, in collecting data (Mesly, 2015). The study attempts to find people's opinions, perceptions, and in-depth understanding; therefore, primary data was collected using interviews, which was appropriate in achieving the purpose of the study. Data that has been collected from firsthand experience is known as primary data. Primary data has not been published yet and is more reliable, authentic, and objective. Primary data has not been changed or altered by human beings; therefore, its validity is greater than secondary data (Kabir, 2018: 204).

##### **4.4.2 (a) Interviews (one on one)**

Creswell (2009:181) posits that in qualitative interviews, the researcher conducts face to face interviews with participants. Interviewing involves asking questions and getting answers from participants in a study. Kabir (2018) takes it further to suggest that the asking and answering of questions can be mediated by the telephone or other electronic devices (for example

computers). The primary data collection tool used by this study was the interviewing guide, which is basically a list of questions that the researcher asked participants during the individual face to face and group interviews. Face to face interviews were advantageous since the researcher could ask detailed questions and could further probe to provide rich data. Of interest in these studies involving participants who are not literate, Kabir (2018) further posits the literacy requirements of participants is not an issue since nonverbal data can be collected through observation; complex and unknown issues can be explored, and the response rates are usually higher than for self-administered questionnaires.

#### ***4.4.2.(b) Focus group interviews***

Wilkinson, (2004: 177) as cited in Onwuegbuzie, (2009: 2) defines focus group research as a way of collecting qualitative data that involves engaging a small number of people in an informal group discussion (or discussions), focused on a particular topic or set of issues. Focus groups are group interviews involving participants who share the same characteristics relating to the research topic. They are used to encourage participants to share opinions, experiences, and perceptions (Ngomane, 2018: 22). In this study the researcher interviewed women beneficiaries in a group, using a guide with a list of predetermined open-ended questions, which helped in guiding the researchers questioning while also eliciting more views and opinions from the participants of Mkhwanazi community restitution project. In focus groups, the researcher interviewed participants in a group, and the advantage of this, Creswell (2009: 179) argues, is the control that the researcher has over the line of questioning.

#### **4.5 Sampling**

In view of the fact that population is a generally large collection of individuals or objects that become the focus of a research, it therefore becomes a challenge to study every individual or object in the population. Therefore, it is imperative for the researcher to select the correct individuals, objects or events needed for the study (sample). A sample is defined as a finite part or subset of participants drawn from the target population (Martinez-Mesa, 2016). Creswell (2012: 142) avers that a sample is a subgroup of the target population that the researcher plans to study for generalising about the same target population. In quantitative research, the purpose of sampling is to generalise its findings in the population; while in qualitative research, the sampling focuses on an in-depth understanding of a phenomenon or situation (Elcomblus, 2020).

Sampling is defined as the process through which individuals or sampling units are selected from the sample frame (Martinez-Mesa, 2016), as a technique or procedure which is employed by a researcher to select a relatively manageable number of representative items or individuals systematically from a pre-defined population to serve as subjects (data source) for observation or experimentation as per objectives of his or her study (Martinez-Mesa, et al.,2016). This process is necessitated by the fact that in many instances the participation of the entire population of interest may not be possible for the researcher to do that, therefore sampling allows the researcher to select a subset from the entire population of interest.

#### **4.5.1 Population**

A population, according to Creswell, (2012: 142) is defined as a group of individuals who have the same characteristic. Tilley (2016) also defines population as objects or groups of individuals that the researcher is interested in for getting information for his/her research. The population for the study comprised all women beneficiaries who have been verified to benefit from the settlement of the Mkhwanazi community restitution project.

#### **4.5.2 Sampling Strategy**

Sampling strategy is defined as the framework that is implemented in research to guide the selection of participants to participate in the study from a given population (Creswell, 2009). Babbie (2008) cited in Mthuli (2018: 206) posits that in sampling there are two types of strategies; these are probability and non-probability. In a research enquiry, sampling strategies are informed by the research design which the researcher has adopted (Martinez-Mesa, 2016). Elliot (2020) mentions that non-probability samples are often used during the exploratory stage of a research project, and in qualitative research, which is more subjective than quantitative research, but are also used for research with specific target populations in mind. Simplistically, probability sampling is where there is a known and equal probability or chance of an individual (or element – unit of analysis) from the study population to be selected in the sample, while non-probabilistic sampling is virtually unknown (Chitvan, 2020).

Since the study is about beneficiaries' understanding, perceptions, and views of the restitution settlements within the context of rural women empowerment, a non-probability sampling strategy was found to be best suited and adopted in the study. Non-probability sampling

strategy is defined as a process wherein the researcher uses subjective methods to decide on elements that should be included in the study without using a random selection procedure (Chitvan, 2020). Qualitative sampling is a purposeful sampling technique in which the researcher sets a criteria in selecting individuals and sites and is preferred largely for the richness of information that can be drawn out from them - the selected individuals (Creswell, 2015).

#### **4.5.3 Sampling technique**

Within the non-probability sampling used in this study there are various types of sampling techniques available to researchers. Those include convenience, purposive and snowball techniques; however, for this study, purposive sampling was adopted. Purposive/judgmental sampling technique was used to identify women restitution beneficiaries from the Mkhwanazi restitution project who participated in the study. In defining this technique, Sharma (2017:751) points out that purposive sampling, also known as judgmental, selective or subjective sampling, reflects a cluster of sampling techniques reliant on the judgement of the researcher when it comes to selecting the units (e.g., people, organisations, events, pieces of data) that are to be studied.

According to Creswell, (2015: 205) this technique is advantageous since it allows the researcher to select individuals or sites that have rich and useful information about the central phenomenon. The choice of the use of purposive sampling was informed by certain characteristics that individual participants had within the community of restitution beneficiaries their experience with the restitution process, and its benefit to women empowerment. Furthermore, the researcher interviewed the founder, the chairperson (acting) and also the leader of the traditional authority because of their roles and responsibility as the leadership, their long involvement with the land claim's process, perceived or real benefits, and lastly, the understanding of the challenges facing women in the restitution project.

#### **4.6 Sample size**

In this study, the researcher anticipated that the desired information could only be obtained from a specific group of beneficiaries including executive members of the land holding entity, Phalane Community Trust of trustees. Ultimately, the sample for the study was composed of the following elements: Five, one on one, face-to-face interviews were conducted with the

founder (1) and 4 executive members of the land holding entity (Phalane board). The purposeful sampling of the founder of the Phalane Community Trust and the Chairperson of the Phalane Community Trust of trustees as well as executives was because of their vital role in the leadership of the entity, power and the authority which they have. Furthermore, the researcher also conducted 2 separate focus group discussions constituted of only women beneficiaries of the Mkhwanazi Restitution project. Each focus group discussion had 5 participants from the beneficial community of Mkhwanazi.

**Table 4.2:** Sampled population of the study

<b>Type of Interviews</b>	<b>Status/Position</b>	<b>No. of Interviews/Participants</b>
Individual interviews	Members of Phalane Community Trust of Executives	4
	Founder and Chairperson (acting)	1
Focus Group Discussions (x2)	Women Beneficiaries	10
<b>TOTAL</b>		<b>15</b>

#### **4.7 Data Quality Control**

Trustworthiness of a study simple refers to the degree of confidence in data, interpretation, and methods used to ensure the quality of a study (Pilot and Beck, 2014). In each study Amankwaa (2016) posits that researchers should establish the protocols and procedures necessary for a study to be considered worthy of consideration by readers. A qualitative researcher establishes rigor of the inquiry by adopting the following credibility strategies: prolonged and varied field experience, time sampling, reflexivity (field journal), triangulation, member checking, peer examination, interview technique, establishing authority of researcher and structural coherence (Guba and Lincoln, 1994). Credibility refers to the confidence that can be placed in the truth of the research findings (Korstjens and Moser, 2017). Credibility establishes whether the research findings represent plausible information drawn from the participants' original data and is a correct interpretation of the participants' original views generated through a scientific and tested method of research. For this study, the researcher interviewed board members and the chairperson because of the authority which they command by virtue of positions they hold

in the community of claimants. Their profile which is accompanied by a certain degree of knowledge of the claimant community and the process of the claim guarantees some credibility of data to be generated from them.

#### **4.8 Data Analysis**

Data analysis is the process that entails making sense out of text and image data. Creswell (2009:186) describes this phase of the study as a process of organizing and preparing the data for analysis, engage the data to make sense of the information as you reflect on the overall meaning and then embark on a deeper analysis of coding. Unlike quantitative data analysis which focuses on the use of numerical methods such as mathematical or statistical procedures, the qualitative data analysis, which has been adopted in this study, focuses on the nature of a phenomenon and is represented largely by stories, patterns and themes (Rogers et al., 2011:271).

So, given the research strategy adopted as part of the research design, the nature of the phenomenon that participants reflected on during interviews and focus group discussions, this study employed a thematic data analysis. This approach is flexible in that there is no specific research design associated with thematic analysis; it can be utilised for case studies, phenomenology, generic qualitative, and narrative inquiry to name a few (Braun & Clarke, 2013). They further define thematic analysis as a method for systematically identifying, organising, and offering insight, patterns of meaning across a data set.

Yin (2009: 139-143) also refers to other data analysis techniques which can be used in a research involving a case study, for example pattern matching, explanation building, time series analysis and logic models. Textual/Content analysis, matrix, discourse, multi-modal and conversation analysis are some data analysis techniques which can be considered when the study being pursued is qualitative like this one. This approach has also been reinforced and supported by Oates (2006:267), when it was argued that qualitative data analysis means that themes and patterns are normally abstracted from verbally, visually, and aurally collected data. The process results in the development of meaningful themes without explicitly generating theory (Tesch, 1990).

#### **4.9 Ethical considerations**

Creswell (2009: 87) points out that research is about collecting data from people, about people; therefore, it is extremely important for researchers to adhere to ethical considerations when conducting research. Emphasizing the importance of ethics, Yin (2009:73) argues that the study of a contemporary phenomenon in its real-life context obligates the researcher to important ethical practices akin to those followed in medical research. Therefore, researchers need to protect their research participants, develop a trust with them, promote the integrity of the research, and guard against misconduct and impropriety that might reflect on the organisations or institutions (Creswell, 2009). According to Given (2008) cited in Mthuli (2018:216), whether a study interacts with human subjects or not, issues of ethics are important because the involvement of ethical committees is a legal requirement governing the institution which the researcher is a part of.

As a point of departure, the researcher requested a gatekeeper's letter from Phalane Board, a legal entity representing the Mkhwanazi restitution beneficiaries. Upon receipt of the gatekeeper's letter, the researcher used it to apply for ethical clearance at the University of KwaZulu-Natal's Humanities and Social Sciences Research Ethics Committee. Once the ethical clearance (EC) certificate had been issued, and before data collection took place, the researcher proceeded to inform the participants about the study and embarked on the process of developing an informed consent form to be signed by the participants before they engaged in research.

Creswell (2009:89) posits that the form serves as an acknowledgement that the participants' rights would be protected during data collection. Sarantakos (2005) cited in Creswell (2009: 89) lists the following elements as crucial for inclusion in the consent form: identification of the researcher, identification of the sponsoring institution, indication of how participants were selected, purpose of the research, benefits for participating, level and type of participant involvement, notation of risk involved, guarantee of confidentiality to the participant, assurance that the participant can withdraw at any time, and provision of names of persons to contact if questions arise (Creswell, 2009). In giving practical effect to and in compliance with this, prior to collecting the data and interacting with the participants, the researcher ensured that the participants were informed of the purpose of the research and displayed the identity and institutional association of the supervisor and their contact details.

Furthermore, research participants were informed that their participation in the study was voluntary and that no penalties would be given to them in the event that they decided to withdraw from the study (Denzin and Lincoln, 2005). Participants were made to sign consent forms after having explained at length the objective of the study and confidentiality for the protection of their identities which was made possible by the coding of participants' identities and responses, as evidence in chapter 5 below. Lastly, the participants were also informed that the study would not remunerate them for their participation in the study. That was all understood, hence the study commenced accordingly.

#### **4.10 Conclusion**

This chapter's focus was on discussing the vital points of the research methodology which underpinned the study in order for the research question to be adequately addressed. The interpretivist philosophical worldview informed this study. Purposive/judgmental sampling technique was used to select the research sample which included women restitution beneficiaries from the Mkhwanazi restitution project as participants in the study. The data were collected through using semi-structured interviews and focus groups. The researcher further focused on various elements that were considered in order to ensure the trustworthiness of the study and the possible limitations thereof.

## **CHAPTER FIVE**

### **DATA PRESENTATION, ANALYSIS AND DISCUSSION**

#### **5.1 Introduction**

Having dealt with the methodology, this chapter seeks to provide the data presentation, analysis, and discussion. Data analysis is the process that entails making sense out of text data and Creswell (2009:186) describes this phase of the study as a process of organising and preparing the data for analysis and engaging the data to make sense of the information as you reflect on the overall meaning. Hence this chapter is vital because it deals with presentation, analysis and discussion of the data collected from the interviews and the focus group interviews with participants as reflected below. Table 5.1 below entails an overview of the findings, in relation to the research objectives and the themes that emerged.

## 5.2 Overview of findings

**Table 5.1** Research objectives and emerged themes

<b>Research Objectives</b>	<b>Themes</b>
<b>Objective 1:</b> To explore the extent to which the settlement of the Restitution Claim benefited women’s empowerment at Mkhwanazi Land Restitution project.	<ul style="list-style-type: none"> <li>• Financial benefits and livelihoods improvement</li> <li>• Household welfare</li> <li>• Land rights restoration, access, and control</li> </ul>
<b>Objective 2:</b> To explore the level of women participation in Restitution claim within Mkhwanazi restitution project.	<ul style="list-style-type: none"> <li>• Representation and Participation</li> </ul>
<b>Objective 3:</b> To explore barriers or problems that are faced by women beneficiaries in the Mkhwanazi Land Restitution project	<ul style="list-style-type: none"> <li>• Cultural patriarchal notions.</li> <li>• Restricted information flow and knowledge of claim.</li> </ul>
<b>Objective 4:</b> To explore capacity building needs of women LR beneficiaries of the Mkhwanazi Restitution project.	<ul style="list-style-type: none"> <li>• Women land rights awareness.</li> <li>• Training and skills development</li> </ul>

**Source:** Author’s own.

The table above (Table 5.1) has presented the research objectives of the study and the themes that emerged from the analysis of the primary data through a thematic analysis.

## 5.3 Data Presentation, Analysis & Discussion

This next section now presents the findings based on the research objectives and explains the themes that emerged.

### **5.3.1 The extent to which the settlement of the restitution claim benefited women's empowerment at Mkhwanazi land restitution project**

Numerous LR claims involving communities have been settled in South Africa. Several studies such as in Asia and Southern Africa seem to suggest that there are benefits that accrue to women. Women who are beneficiaries of the programme, as a result of this objective aimed at exploring the extent to which the settlement of the LR claim benefited women's empowerment at Mkhwanazi land restitution project. The study has identified several key areas that could be linked to a notion of empowerment as part of benefits flowing from the settlement of the Mkhwanazi land claim. In relation to the above objective, the following themes emerged from interviewing the participants: financial benefits and livelihood improvement, household welfare, and land rights restoration and control.

#### **(a) *Financial Benefits***

According to a Collins dictionary (2003) financial benefit means a benefit, direct or indirect, which is either money or has a monetary value. Another definition refers to financial benefit as any financial or material benefit including, but not limited to, any money, stock, security in financial markets etc. So, for purposes of the study, financial benefits would mean benefit, direct or indirect, which is money or has monetary value, which the beneficiaries can spend on items of their choice. The study found that financial benefits that accrued because of the settled land claim and subsequent ownership of the land are dependent on the productive use of the land (leased to commercial companies) for income generation. During the focus group interview sessions, most participants indicated that the settlement of the Mkhwanazi land claim has had some financial benefits which accrued to beneficiaries; however, women beneficiaries did not benefit much as the majority of men received more than women. The participant expressed that:

*"...no financial improvements or meaningful changes that have been achieved and realised following the settlement of the restitution claim"* (Focus Group/FG, Participant: B).

*"...where financial awards have been received, that has unfortunately benefited males on behalf of household beneficiaries to the exclusion of women beneficiaries"* (FG, Participant: C).

*“Cha, no financial improvements as we have not received any meaningful benefits that may impact our financial situation” (FG, Participant: 4).*

*“There are no financial improvements at all which one can point at that can be intricately linked to the settlement of the land claim” (FG, Participant: D).*

Settlement of land claims has been found to have some benefits to those who are claimants or beneficiaries as attested to by a number of studies in Asia, Europe and some parts of Africa (Argawal, 2003; Flintan, 2010; Mutopo, 2011; Van der Meulen Redgers, et al, 2016; World Bank, 2016). However, other studies have shown that this may not necessarily be the case as other land reform projects have failed or collapsed (Hall, 2009; Ngomane, 2016; Hornby and Classen, 2003; Cousins, 2016; Walker, 2009; RSA Office of Presidency, 2019; and Classen and Sihlali, 2020 ). A common view amongst the focus group participants was that the settlement of the claim in the case of Mkhwanazi has not benefitted women beneficiaries in any meaningful way. The findings from interviews indicated the opposite as most believed that women’s financial situation somewhat improved because of the claim; however, a small number of women benefited compared to men. Of interest to note also is that most interviewees restricted financial benefits to a payment of R30 000 to individual households as rentals from forest operations on the leased land, which happened once only around 2013 and 2014.

The finding is consistent with what was observed by Hall (2009:205) who argued that results emerging out of case studies seem to suggest that even though there are no accurate figures available within the Commission on Restitution of Land Rights (CRLR) or the Department of Rural Development and Land Reform’s (DRDLR), the socioeconomic position of women in land reform projects does not appear to have improved significantly as a result of the land Restitution Programme. Interviews and focus group in Cata, Emabomvini in KZN and EC revealed that whilst some financial benefits accrued to some women beneficiaries as a result of land claims, other women beneficiaries denied ever receiving such benefits (Tshidzumba, 2019). This matched findings in another study on the impact of restitution claims in communities in the EC and KZN provinces, where a number of respondents in Cata and Amabomvini disagreed or denied receiving any financial benefits (Tshidzumba, 2019).

However, those interviewed in Mkhwanazi land restitution project acknowledged that there were strands of commonality in that they all agree that such benefits have not been impactful

because the financial benefits have not accrued to all women beneficiaries. However, focus group results in Amabomvini revealed contrary views between the trustees and the beneficiaries indicating that all the beneficiaries received a once-off financial benefit. This was observed in the case of Mkhwanazi where it was indicated that there was also a once-off payment and a number of other non-financial benefits to women which are significantly small compared to those of their male counterparts.

### ***(b) Livelihoods Improvement***

Kepe and Hall (2016), highlighting the importance of land reform, argue that one of the key, and clearly articulated goals of land reform in South Africa is the improvement of the livelihoods of the rural poor, the majority of whom is women. Owing to this, they assert that direct access to land for production, particularly sustainable livelihoods, is, and perhaps should be, a major focus of land redistribution because of a strong link between past racially based land inequalities and rural poverty, particularly food insecurity, of Black people (Kepe and Hall, 2016). It is for this very reason that the United Nations (UN) (2017) indicates that land serves as a means of production and a sustainable asset to manage one's livelihood. Livelihood is defined as a means of securing the basic necessities of life and encompasses people's capabilities, assets, income, and activities required to secure the necessities of life in a particular household (United Nations, 2017). The literature indicates that women are important players in ensuring households' wellbeing in most rural areas of developing countries, including South Africa (Argawal, 2003; Allendorf, 2007; Daley, Dore-Weeks & Umuhoza, 2010; UN, 2018; Mutopo, 2011 and Dube, 2018). The capacity to improve the livelihoods of their households is often hindered because women are disempowered economically and socially, in agriculture and in civic arenas (Sharaunga, Mudhara & Bogale, 2015).

The participants of this study expressed that:

*"...women beneficiaries' situation has improved ever since the claim was settled. The money generated through the settlement funded vegetable and garden project for women beneficiaries and as result they sell produce to local market and hawkers beyond community. So, there is income as a result which has improved their financial situation"* (Interviewee: 1).

*"Creches have been built to assist in early childhood development, women are involved in many projects funded by the board (garden, bakery, cane farming) also employment too"* (Interviewee: 4).

*“Well some women in the community have been employed as a result of the settlement of the claim, others work on one property that houses the offices of the Board, the other section of the same property is used as a student accommodation facility for students of the University of Zululand-Ongoye” (FG, Participant: D).*

*“No improvement for women at all, women should be provided support for them to engage in projects that will impact women’s livelihoods quite meaningfully. On another level, to some extent, yes there are some women who have benefitted but the number of those is significantly small when you compare with male counterparts in the community” (FG, Participant: 2).*

The findings reflect an interesting trend regarding divergent perspectives that focus group participants and interview participants have on livelihoods and improvement of women beneficiaries linked to the settlement of the claim. The findings as demonstrated by the focus group discussions is that most women have not benefitted individually; however, a small number have benefitted. Hence women’s individual livelihoods have not improved much, an improvement that is much needed as that would benefit the entire family.

This finding is in line with some studies which indicated that whilst livelihood improvements have been noted, only a handful of women beneficiaries often accrue benefits while the majority are compromised (Aliber and Cousins, 2013; Chirwa et al., 2015; Mansuri and Rao, 2004; Vega and Keenan, 2016). According to Hall (2007), which is supported by the finding, the number of benefits that accrue to households is always not adequate given what happens to the majority of beneficiaries whose livelihoods have not improved in the main.

Whilst some interviewees indicated that there were some traces of livelihood improvements in the Mkhwanazi restitution project, this cannot be entirely attributed to land reform because of other income generating activities which are not as a result of the settlement of the claim. The leadership of the Phalane Community Trust indicated the contrary as they believe that after the conclusion of the claim, there are women beneficiaries who have had their livelihoods impacted positively in an empowering way, from the payment of financial compensation in 2014 and from other income generating projects funded by the claimants Trust. Ultimately, they consider this as elements of empowerment which would not have been recorded had the Mkhwanazi settlement had not happened. They also conceded that the number of women who benefitted is nowhere near those of male beneficiaries. This was further corroborated by studies in

Zimbabwe and Rwanda which concluded that as a consequence of the land reform women beneficiaries are empowered, and their livelihoods improve significantly (Dube, 2018; Daley, Dore-Weeks & Umuhoza, 2010). This is in line with studies in Vietnam, Nepal and some parts of India, which evidenced that land access has positive effects on women and their family's welfare, agricultural productivity, poverty reduction, improved family nutrition Allendorf (2007) and women empowerment (Agarwal, 2003) but in the community of Mkhwanazi, it seems not to be the case as most women have not benefitted .

### ***(c) Household Welfare***

In trying to define the concept of household welfare, Walker ( 2009) looks at Agarwal's account, by arguing that 'welfare' covers the 'direct and indirect benefits' that access to land provides for women, as a prerequisite for household agricultural production (for consumption or for the market), as an asset that can be mortgaged, rented out or sold, and as a source of status that ensures that women's needs are respected within their households and families. Even though the definition has to include a basket of indicators, it is worth noting that the welfare being referred to here should be contextualised within the programme of restitution as it relates to women households that are part of the Mkhwanazi community who benefited. It is often about the household level of consumption, the asset of commercial value, etc. On this matter the respondents from the interviews and focus group interview discussions indicated that:

*“Even though personally I did not benefit from the settlement of the claim and subsequent restoration of land, there are women who have benefited in terms of employment. For instance, there are women employed here in Forest Inn motel, in the plantations, crèches have been built for young children and some women are also employed there too” (FG, Participant: 4).*

*“...some households recorded some progress as they were able to, assist their kids through paying for education, built new houses, other renovated the existing one, bought furniture and, improved household welfare something which could never have happened, had the claim not been settled” (FG, Participant: D).*

*“...some income has been generated, employment created, working the land, ownership of the land as part of the Phalane land holding entity, resulting in many things to these beneficiaries. Others have developed business skills at the bakery and agricultural projects funded by the Phalane” (Interviewee: 5).*

The finding is in line with studies in Ethiopia and Rwanda which confirmed that there is a link and correlation between land reform and improved women's economic and social status within their households and in the community. This was made possible by the government's large-scale land certification effort which covered 6.3 million households with resultant improved women's economic and social status (Flintan, 2010). Previously, the World Bank (2016) observed that women did not have property rights at all, and the divorced women's situation was even worse. However, as a consequence of the program, women in Ethiopia are entitled to 50% of the property which is attributed to successful land reform on women in Ethiopia (World Bank, 2016). Similar studies on land reform and empowerment of women in some developing countries in Asia like Vietnam, Nepal and some parts of India, have further reinforced this as they indicated that women's access to land is paramount since it has desirable effects on women and the welfare of their families, improved agricultural productivity, poverty reduction, improved family nutrition (Allendorf, 2007) and women empowerment (Agarwal, 2003).

It should be noted though that household welfare is one of the key determinants of women empowerment in the rural area, and it is also linked to livelihood as demonstrated by the literature on women empowerment and indicators thereof (Dube, 2018). It is also worth mentioning that the response to this question is restricted and confined to those women beneficiaries who are either employed in projects funded by the Phalane Community Trust and those with other sources of income which have since been supplemented as a result of their employment and participation in projects initiated by Phalane Board. Therefore, like in many cases elsewhere, available literature indicated that not all women beneficiaries could be said to be benefiting from these projects, which then becomes a limitation which cannot be generalised across the Mkhwanazi Restitution project.

Furthermore, their understanding of welfare improvement is always explained and attributed to the payment of financial compensation which has not happened since 2013 for the Mkhwanazi community. Furthermore, the study further indicated that the claim and some of the initiatives funded by the Phalane Community Trust complement other sources of income including social grants for very poor families and households. Of course, for those who did not have income at all, the support has enabled them to generate some form of income although significantly small, to support themselves and their households, whilst those that had some form of income previously regard this as an opportunity to increase and broaden their streams

of income crucial for the welfare and advancement of their households and themselves individually.

***(d) Land Rights Restoration, Access, and Control***

All policies relating to land reform (especially redistribution and restitution) emphasise gender equity as a goal and prioritise women to gain access to land (Kepe and Hall, 2016). Land is regarded as one of the key cornerstones of economic development on which farmers and other communities base their livelihoods (World Bank, 2014). Furthermore, the World bank (2014) argues that it is also a significant component of business assets, which plays a significant role in business investment strategies. However, literature indicates that unless such land rights are restored with guaranteed access and control, those should not be construed as being complete and meaningful at all (Walker ,2009). This aspect of the study is important as Sather and Kazi (1997) in Kabeer (1997) refer to both access and control having a say in decisions related to resources within the household. Therefore, the study is also aimed at establishing if the women beneficiaries understood the settlement, the rights linked to the settlement, access to the restored land and involvement in decision making and control on how to use the land for their benefit.

The study found that the majority of sentiments raised by women interviewed is that the restoration of the land by way of providing the title deed to the community Trust is an achievement that should be celebrated; however, exercising such individual land rights in the midst of communal ownership set up in a rural traditional area, is a challenge and fraught with limitations and problems. This also has implications on the absolute control of such land as there are glaring limitations and participants expressed that:

*“The land was restored but access is limited because of the manner in which the claim was settled. Most land is under lease (cane, forestry and student accommodation), and claimants get to enjoy some benefits from the proceed thereof. Also, when the claim was settled, we were told that the use of land would not be altered easily because of the 70 year lease agreement that government had already entered into with the forestry leasing company, Siyaqhubeka Forestry (SQF)” (Interviewee: 1).*

*“Access is limited because the land use has not changed since most properties are used as business under some sort of lease or partnership arrangement. Land is strictly used for business without physical restoration and use by households” (Interviewee: 3).*

*“On land rights and control, it should have been nice for some of the restored land to be set aside for women claimants to take control, use it for piggery and livestock farming”*

**(FG, Participant: 5).**

Even though land is restored, women beneficiaries of Mkhwanazi restitution project have not enjoyed as much access and control due to the nature and the manner in which the Mkhwanazi land claim was settled. This goes into the heart and foundation of what most analysts regard as failures of the land reform programmes. Walker (2007); Keep and Hall (2016); Hall (2003); Cousins (2016); Ramutsindela, Hartnack (2019); and Hornby and Cousins (2002) have all blamed this on the market-led approach to land reform which advocates for commercial and productive use of land transferred to restitution beneficiaries. The study findings reveal the dissatisfaction with the lease arrangement which denies them access, use and control of the land as new owners. This applies to every beneficiary in the community of claimants because even the men do not have access and control of the land because the land is leased out on a long term, whilst a small percentage is on a short term and the conditions of the lease are such that it is not easy to cancel.

### **5.3.2 The level of women participation in the land restitution project within Mkhwanazi community claim**

This objective was aimed at exploring levels of participation of women beneficiaries in the Mkhwanazi restitution project, mainly leading to and after the settlement of the claim which culminated in the transfer of the title deed to the community. To further establish if there is some role that women beneficiaries played and continue to play at the post settlement phase of the claim. The findings confirm what emerged from other restitution case studies before (Cousins, 2016; Ramutsindela, Hartnack, 2019; Hornby and Cousins ,2002) that women have been allowed to participate in the process at pre and post settlement. However, the participation is not significantly meaningful because of the dominance of patriarchal tendency in the community which does not promote active engagement of women on matters of land. There are women trustees serving on the Phalane Board of Trustees but there is a dominance of male voices when key decisions are made about the land; female voices are subordinated in the name of collective decision making. The theme that emerged is the limited and constrained levels of women participation in Mkhwanazi Restitution project. Lack of substantive participation by women beneficiaries in Mkhwanazi restitution project.

### **(a) Representation and participation**

Article 14 of the United Nations' Convention on the elimination of All Forms of Discrimination Against Women (CEDAW), ratified by South Africa in December 1995, recognises rural women as a group with special problems who should be empowered to participate in, and benefit from, rural development and land reform. This is reinforced by Article 10 of the Beijing Platform of Action. According to Cornwall and Rivas (2015:12) the international community has the following as priority objectives for women empowerment and gender equality : full and equal participation of women in all spheres of life at the global, regional and national , levels, and the elimination of all forms of discrimination on the basis of sex. The theme that emerged is lack of meaningful women representation and participation in Mkhwanazi restitution project. In the context of the study women representation and participation mean the role played by women beneficiaries in decision making regarding processing and settlement of the settlement at household and also at community and board levels. In responding to this question, the participants expressed that:

*“No women played any significant in the claims process as men were the only leading, even in the identification of claimed land, this was exclusively for men” (FG, Participant: 2).*

*“...there are women in the committee who are serving as trustees, however, they seem not to be vocal and impactful. Their presence and representation are done for malicious compliance as government prescribes that committee should also have women representation in land committees” (FG, Participant: 4).*

*“There are women who play a critical role at the level of the committee and the community , however, on matters of the claim one does not know with certainly as to the actual roles they play in relation to the claim under discussion here. There are women who could be in leadership role in this regard but the challenge with the issue of land claims in this community is that when the claim was processed most meetings were held at Mkhwanazi Traditional court which, by its nature, does not allow for women to have any meaningful participation. Women are only allowed to play less significant and unimportant roles in the community. Whenever there are meetings, you will find most women seated at the back quietly as they have to respect the culture and norms which*

*Indunas are the custodians thereof, and they require women to adhere to those norms and comply strictly” (FG, Participant: A).*

*“Participation was somewhat restricted and those who played some role was at a committee level” (Interviewee: 1).*

*“At claimants’ community level, women participated but the decisions are largely influenced by man and Traditional Authority” (FG, Participant: 2).*

The finding in this regard is that women are represented on the governing structure which is the Phalane Community Trust of Trustees; however, there is lack of meaningful representation and participation of women beneficiaries both at community level and management level in the Board of Trustees. Most studies in South Africa and beyond reveal that women are less likely to be represented on community-based organisations, representing claimant groups, and male claimants tend to outnumber female claimants (Walker, 1998; Horny and Cross, 2002, Cousins, 2016; Ngomane, 2018; Classen and Sihlali, 2020). The situation of women under-representation revealed in this study is in line with a study conducted in the Districts of Ehlanzeni, Nkangala and Gert Sibande in Mpumalanga province which showed the lack of representation of women elected to leadership positions against that of men within the Communal Property Association (Ngomane, 2018).

Claassen and Sihlali (2020: 22) argue that the marginalisation of women in community claims is worse at post settlement since most community Restitution projects have been taken over by old elites and traditional leaders who are in full control of CPAs or Trusts. On the role of traditional leaders a case study in one of the settled Restitution Claims in northern KZN, Hall (2007) argues that due to post settlement failures, and dysfunctional legal entities, the Inkosi (the traditional leader) became the *de facto* authority over land administration, allocating substantive land rights, not through the formal operations of the Trust, but according to customary practices, and traditional authority (Hall, 2007:13). This could be true in the case of Mkhwanazi where some respondents indicated that the claim process was driven and facilitated through the Mkhwanazi Traditional Authority, thus the lack of meaningful representation and participation of women beneficiaries.

### **5.3.3 The barriers/problems faced by women beneficiaries in the Mkhwanazi land restitution project**

In order for government and the responsible department (DRDLR) to develop, introduce policies and programs that are not only gender sensitive, but also impactful on the empowerment of rural women who are beneficiaries in community rural claims, it is an imperative to understand barriers and/or problems faced by women beneficiaries in rural community claims which derail realisation of true empowerment through the programme of land reform and restitution. This objective aimed to establish from the perspective of women beneficiaries what they regard as barriers within the Mkhwanazi L R project which hinders the progress towards their empowerment. The interviewees and focus group participants identified a whole range of barriers which revolve mainly around the socio-cultural environment within which community claims are processed and settled. The themes that emerged were patriarchal socio-cultural, restricted information and knowledge of the claim.

#### **(a) Patriarchal socio-cultural**

Generally, Beijing Platform for Action (BPFA) recognises that women face barriers to full equality and advancement because of a myriad of factors such as their race, age, language, ethnicity, culture, religion, or disability, because they are indigenous women or because of other statuses (BPFA,1995). Patriarchal socio-cultural barriers in the context of this study refers to an environment in which men marginalise women beneficiaries socially, culturally, economically, and politically (African Women’s Land Rights Conference, 2011). The BPFA (1995) further posits that these barriers are compounded by women specific obstacles related to their family status, more particularly as single parents, and their socioeconomic status, including their living conditions, in rural, isolated, or impoverished areas. In this area, the participants from focus group interview discussions expressed that:

*“Some male leaders in the committee literally took absolute control of the claims process to the exclusion of women” (FG, Participant: 4).*

*“...respect for our culture and tradition where land is mainly regarded as for men only, when meetings are held in the local traditional authority hall, the tradition and norm is that women are not allowed to express themselves in the presence of Indunas and other men/male elders” (FG, Participant: B).*

*“When women want to plant bananas or amadumbe, your man would insist on planting trees for commercial timber businesses to supply pulp and wood processing plants in Richardsbay” (FG, Participant: B).*

*“Rural space which rural women have to grapple with disables women quite significantly because of male dominance on land matters, women voices are often not heard, or they are relegated to the peripheries” (Interviewee: 5).*

The literature shows a consensus that a lot of barriers are as a result of the patriarchal nature of societies within which women, especially rural women, who are restitution beneficiaries, navigate their lives on a daily basis (Pheko, 2016; Hornby and Cross, 2003; Hall, 2009; RSA Office of the Presidency, 2019 ).

This finding is a confirmation of what emerged out of studies in Zimbabwe, South Asia and South Africa wherein Mutopo, ( 2011), Agarwal, (2003) and Cousins et al., (2016), indicated that patriarchy in rural areas disempowers women in some places of Limpopo and KZN. Ngomane (2016) indicated that in certain parts of Ehlanzeni project in KZN women are not allowed to speak at traditional sittings although allowed to attend. Regarding patriarchy within community land claims, the findings in Mkhwanazi confirm Hall’s observation (2003) when she indicated that most claims lodged by communities tend to see land as men’s business, and as a result women have been always either marginalised or excluded completely.

Hall (2003) argues further that once land rights have been restored to communities, women tend to have less land, weaker land rights, less influence in community decision making and tend to lose access to land as a result of inheritance systems based on male succession. Furthermore, they posit that in cases where chiefs lodged claims or hold land on behalf of communities, the restitution process has resuscitated the chieftaincy which has undermined the government’s political and constitutional commitment to restructuring gender relations (Hall, 2003).

Linked to this is the issue of customary laws and practices which have also been found to perpetuate disempowerment of women in rural community claims despite the existence of legislations on gender equality and women empowerment (BPFA, 1995; Walker, 1998; Cross and Hornby, 2002; Hall, 2009; Thamaga-Chitja, Kolanisi and Murugani, 2010; African

Women's Land Rights Conference, 2011; International Office on Migration, 2016; RSA Office of the Presidency, 2019 ).

**(b) Restricted information and knowledge of the claim**

According to IOM (2016) access to information is vital to access property rights, including land rights. Therefore, it is against this background that it is important that knowledge level on legal and administrative policies regarding land is identified, as also to understand the awareness in women regarding their rights under State and customary systems (IOM, 2016). The literature has indicated that part of the reason land settled community claims have failed or collapsed amongst many other factors is mainly due to a lack of information and knowledge by claimants and more so amongst women beneficiaries in rural areas (Hornby and Cross, 2003; CGE,2009; Commission on Status of Women, 2011;Ngomane ,2016). Studies have also linked this to a low literacy level with which women in rural areas are associated (Argawal, 2003). Below are the views expressed by participants about barriers and challenges they were faced with in the settlement of the Mkhwanazi land restitution project.

*“...most of us here do not even know how the claim was settled since most women were often not kept in the loop about information on the claim. Even though land is said to have been returned to the community, one has not seen any financial improvements linked to the settlement. Men might have realised some impact or form of benefits which could improve women's situation but the lack of information on the claim pre and post has worsened the situation of women as we do not know much about things that happen since the claim was settled through the restitution process” (FG, Participant: B).*

*“...lack of information on the process of restitution, lack of confidence and self-belief, lack of awareness about women rights on settlement...” (Interviewee: 3).*

*“Lack of information on the claim pre and post has worsened the situation of women, no much transparency and accountability to women beneficiaries” (FG, Participant: B).*

*“Some male leaders in the committee literally took absolute control of the claims process to the exclusion of women” (FG, Participant:4).*

Even though some respondents appeared to have some knowledge and awareness about the claim, the majority of ordinary women mainly in both focus groups interview discussions exhibited little or no knowledge about the settlement framework and the kind of rights they have as individual women in their capacity as women and members of their families in the Mkhwanazi community LR project.

They also complained about the lack of information about the forestry business and employment opportunities from the operations on the restored land leased to SiyaQhubeka Forestry (SQF), something other members argued should be dealt with by ensuring women receive more education because even if they were to be capacitated with relevant information and skills, the low literacy level could also be a challenge to discount all such benefits and opportunities. This is in line with studies in countries such as Iran, Nepal, Columbia and in many cases in South Africa ,such as in some parts of the province of Limpopo, Mpumalanga, KZN and the Eastern Cape (Sarban, Hassanzadeh, 2014; Ngomane, 2016; García-Reyes and Wiig, 2017; Cousin, 2007; Hall, 2009). In Columbia, Garcia-Reyes and Wigg (2017: 19) refer to this lack of information by women beneficiaries as informational inequalities.

In Iran for example, Sarban, Hassanzadeh (2014), established that formal and non-formal education and training would help in building capabilities of rural women, promoting of skills and knowledge, and enable them to enhance participation in the decision making at both macro and micro level. Whilst in Nepal it was found that due to a large proportion of women being illiterate that prevented them from accessing information required to assist in understanding and using legal provisions meant to empower them (IOM, 2016). This is confirmed by Ngomane (2016) and Garcia-Reyes and Wiig (2017), where similar findings were recorded with settled projects in three districts of Mpumalanga province and Columbia respectively. Tshidzumba (2019) corroborated the same findings about restricted or lack of information and knowledge when the findings of their study revealed that the two communities of Amabomvini and Cata in the province of the Eastern Cape in South Africa, beneficiaries had little knowledge of the existence of the benefit-sharing mechanisms implemented as a result of the adopted settlement models affecting commercial forestry land.

### **5.3.4 The capacity building needs of women land restitution beneficiaries of the Mkhwanazi land restitution project**

This final objective aimed at exploring the capacity building needs of women beneficiaries in the Mkhwanazi land restitution project. The capacity building needs of rural women is defined as an objective to promote rural women's socioeconomic integration and enhance their income generating skills in agricultural production and other related activities so that they are able to respond to their needs as individual women in the rural space (FAO, 2016). This study found that the capacity building needs of the women beneficiaries in the case of the Mkhwanazi Restitution Project seem to focus more on the capacity to improve productivity of their land, their involvement in farming and commercial forestry to enhance sources of income for their own individual benefit and that of their households while also becoming active players in the forestry and other agricultural farming activities. The themes that emerged were training and skills development as well as the capacity to create and increase awareness of women's land rights.

#### **(a) Training and skills development**

The literature reviewed has been one common thread of agreement and consensus, which is the connection and link between poverty and rural women, who are also considered as the primary target group to be assisted and benefitted from the land reform. This is premised on one key consideration of the intrinsic value of land to those who have rights, access, and control over it. While the literature indicates that besides cultural significance and resultant improved status in the community, land is regarded as a productive asset and whoever has access to it, has access to sources of income (IOM, 2016). Furthermore, besides the barriers associated with a highly patriarchal environment within which rural women live, CGE (2009); CARE (2014) and IOM (2016) posit that low literacy levels amongst rural women have also been found to be another hindrance which should be faced head on, using a number of interventions including formal and non-formal education as part of capacity building initiatives targeting women in rural areas. In this regard the participants of this study indicated the need to be trained in agriculture and forestry. They expressed that:

*“While there are some employment opportunities in the plantations that could benefit women claimants, however, the process of recruitment is always not so transparent, therefore capacitate women with skills relevant in what the land restored is being used for) agriculture and farming skills; provide information and be transparent about employment opportunities to all women claimants” (FG, Participant: 1).*

*“Government and the Board to focus on women targeted initiatives and project settlement support; access to critical information (provide women with information) through regular information sharing session on claims with women using various methods and media platforms” (FG, Participant: 2).*

*“Women to be capacitated and trained in forestry business, through training and development” (Interviewee: 1).*

*“...trained and capacitated in agriculture and gardening for subsistence and food security. Self-reliance and self-help projects and initiatives” (Interviewee: 2).*

*“...women targeted initiatives and project settlement support and post settlement support for women claimants once the land has been restored” (FG, Participant: 2).*

What emerged from the focus group discussions and face-to-face interviews on the capacity building needs for women beneficiaries in Mkhwanazi restitution project involve training, and development in subsistence farming and commercial agriculture and forestry. The need expressed supports a number of studies, where most beneficiaries prefer to be trained and skilled in the field of farming and agriculture to provide much needed food security for their families and then sell the surplus to become small and emerging women farmers in their own rights (FAO, 2014; Katyangi, 2010). These findings were consistent with some of the studies carried out in different parts of the world, like South Africa, Zimbabwe, Rwanda, Iran and Nepal (Mutopo, 2011; Bayisenge et al., 2014; Sarban and Hassanzadeh, 2014; IOM, 2016; and Tshidzumba, 2019).

Government support is extremely critical for the empowerment of women in agriculture. The integrated government economic development policy should put agriculture, particularly smallholder farmers and women at the core of rural development because emerging evidence demonstrates that rural women in particular can engage as key role players in agriculture (FAO, 2014). Agricultural production was proving that it could stimulate other sectors of the economy like agro-business and processing and with adequate support for women; agriculture could usher in the green revolution in countries such as Zimbabwe, of which this could also be achieved through the South African Land Reform Programme and rural women beneficiaries.

This is the opinion of the participants in relation to their current use of land in the Mkhwanazi communal land once their existing leases expire.

**(b) Women land rights awareness**

As demonstrated in the literature review, a raging debate on women land rights and what this means in countries of Africa and Asia, where a modern legal system coexists in a space also dominated by cultural and traditional legal systems, with an ambiguous interplay of the two different systems, especially in rural areas, where the issue of women's land rights is more precarious and warranting further unpacking in the real context of a household, where cultural and traditional dynamics are more prevalent and dominant, to some degree. The literature from Africa and beyond cautioned that, despite constitutional and legislative guarantees on women's equality and land rights, there is a general agreement that majority of women in rural areas, because of high illiteracy coupled with patriarchal attitude, are not conversant about their land rights as they lack awareness thereof (Hornby and Cross, 2002; Mutopo, 2011; Dube, 2018; Ngomane, 2016; Tshidzumba, 2019). The views of the participants about the level of consciousness within the context of capacity building in Mkhwanazi L R project are that they should be capacitated to know and be more aware of their rights as beneficiaries at the level of the household and also the level of the Phalane Community Trust and expressed that:

*“...rights awareness campaigns at all levels to conscientize about rights of women, session and platforms promoting information on empowerment, training and development in agriculture and food security” (Interviewee: 3).*

*“Access to critical information provide women with information through regular information sharing session on claims with women using various methods and media platforms” (FG, Participant: 2).*

Over and above the emphasis on education (formal and non-formal). the chairperson of the Board indicated that government should embark on a serious campaign to sensitise and conscientise rural women about the constitutional and applicable legal provisions to protect women and to challenge anyone, should their rights be trampled upon in their community. Some focus group interview participants further suggested that women should also identify not only beneficiaries who are women but also gender activists or feminists to participate actively in structures that pursue gender equality and empowerment in the Mkhwanazi LR project, while other participants who were interviewed (the Trustees) advised that such campaigns

should not be confined to women only but to men too, other male dominated structures in the community of Mkhwanazi, including the Mkhwanazi Traditional council of headsmen.

This becomes even more critical considering what has been observed by Hall (2003); Cousins, (2016); Walker (2009) and others who have identified the restitution as having been captured by elites that include Amakhosi in community claims. In support of these unintended consequences of restitution, Hall (2003) argues that once land rights have been restored to communities, women tend to have less land, weaker land rights, less influence in community decision making and tend to lose access to land as a result of inheritance systems based on male succession. Clearly, there is a pressing need to further engage on what tenurial rights individual women have in a community claim like Mkhwanazi and others which have CPAs and Trusts as legal entities holding land on their behalf.

#### **5.4 Research results link with theory underpinning the study**

Based on the findings which have been dealt with in this chapter, the resource agency and achievements theory is relevant in the case of women in the rural community of Mkhwanazi. All the three critical elements are there from the resource, which this theory regards as a precondition for some form of women empowerment to begin. However, the process of land reform has not covered the second and the third aspect to a larger extent as the existence of patriarchal tendencies tend to undermine any effort that seeks to empower women in rural areas. As for the action required to address the challenges that are part of the ecosystem in which rural women live. There are divergent views on what should be done as some women do not believe challenging the *status quo* would deliver the results. They believe that there are traditional practices that cannot be tampered with, as they are the fabric the connects, fibre that helps the community to have the identity and exist as a traditional community. So, at the end whilst there are certain parts of the findings that seem to resonate with the theory but in practice that reality on the ground may be slightly different.

#### **5.5 Conclusion**

This chapter has responded to the research objectives of this study which is to explore the extent to which the settlement of the restitution claim benefited women's empowerment at Mkhwanazi Land Restitution project. The settlement of claims has the potential of empowering women; however, in the case of Mkhwanazi most women suggest that the benefits have been significantly small compared to that of their male beneficiaries. The restoration of land rights

is an achievement that should be applauded because it seeks to fulfil the wishes of the country's constitution. However, without targeted post settlement support for women beneficiaries the constitutional goal and wish of a country founded on constitutional values that promote empowerment of women and gender equality would remain elusive. Clearly , what also came out is that women are more concerned about issues of household welfare and livelihoods for themselves and their families and the findings of this study confirm that land restitution has had very minimal impact on rural women disadvantaged by capacity needs; hence benefits could not be construed or equated to true empowerment. The next chapter, Chapter Six, presents the concluding remarks regarding the overall study and conclusion aligned to each of the 4 objectives, the recommendations, areas for research in the future and concluding remarks.

## CHAPTER SIX

### CONCLUSION AND RECOMMENDATIONS

#### 6.1 Introduction

The previous chapter outlined data presentation, analysis, and discussions on whether and how the land restitution programme empowers rural women who are beneficiaries in the community claim of Mkhwanazi in the King Cetshwayo District within the Province of KZN. This chapter, Chapter Six, is largely constituted on the premise of the entire thesis as it draws conclusions and recommendations on each of the research objectives, the contribution of the study to the existing body of knowledge around similar subjects, and areas for future research to be identified. Finally, the chapter presents the objectives and conclusion aligned to each of the 4 objectives, the recommendations, areas for research in the future, and concluding remarks.

#### 6.2 Conclusion

**6.2.1 Conclusion aligned with Objective One:** *To explore the extent to which the settlement of the restitution claim benefited women's empowerment at the Mkhwanazi Land Restitution Project*

The research objective of the study aimed at exploring the extent to which the settlement of the restitution claim benefited women's empowerment in the Mkhwanazi Restitution project of a rural community in the province of KZN. There are many benefits which have been found to have positive and desired effects crucial for the empowerment of women beneficiaries. Those entail improved household livelihoods, family welfare, enhanced social status of women including bargaining and decision-making power within the household and in a community. In the case of Mkhwanazi the benefits have been found to be limited as only a significantly small number of women benefitted compared to the majority of men or male beneficiaries. Therefore, government together with gender equality and women's organisations should ensure that policies are not only written on paper but are enforced at all time to ensure full compliance. In ensuring full compliance, those who go against this in government and the legal entities alike (Phalane Community Trust) should be held accountable for non-compliance and be dealt with accordingly. Furthermore, those who comply should be recognised and incentivised for doing well in that regard. There is also an urgent need for government and the Phalane Community Trust to devise mechanisms that will make sure benefits trickle down to everyone in the

community of Mkhwanazi claimants, especially with more focus on the most vulnerable and poor women headed households . Efforts should be made to make sure the scope of benefits extends not only to widowed women households but to every woman who is a part of the Mkhwanazi restitution project, represented by the Phalane Community Trust.

### **6.2.2 Conclusion aligned with Objective Two:** *To explore the level of women participation in decision making in the Mkhwanazi Land Restitution Project*

This study's objective aimed at exploring the level of participation of women beneficiaries in decision making in the Mkhwanazi LR project. While studies have indicated that where women beneficiaries have guaranteed rights, access and control over land , their decision making power as women beneficiaries increased more than before; however, similar to the above objective the constitutional guarantees do not normally translate to substantive participation in decision making because of the patriarchal nature of the community which elevate men as heads seized with power and authority socially to pronounce on key decision relating to land under claim, settled and transferred to the community. The study finding is that women lack participation in decision making, it is only those in a community who also confirmed this situation to a lesser extent, but averred that the only time they get to be consulted is on decisions that are taken at a Board level i.e. collective decision making.

### **6.2.3 Conclusion aligned with Objective Three:** *To explore barriers or problems that are faced by women beneficiaries in the Mkhwanazi Land Restitution project*

This study's objective aimed at exploring barriers or problems that are faced by women beneficiaries in Mkhwanazi. The study found that women beneficiaries in Mkhwanazi lack information about some critical aspects of the settlement of the claim. Those include lack of information and knowledge about the benefits that should be accruing to them from leasing of their land and lack of information and awareness about their rights within the context of the claim. As a result, their involvement in main decision-making platforms is lacking, hence their lack of representation and participation in the critical processes relating to the claim itself, and therefore do not generally feel empowered by the settlement. The implication of this is that despite constitutional guarantees which they should be enjoying as beneficiaries, women remain disadvantaged, as they don't know their rights in relation to the restituted land, and the extent to which they can exercise and enforce such rights, should they discover those rights

have been trampled upon by the male dominated leadership. This is likely to cause discontent in the community which, in the long run, can impact and compromise the sustainability of the settlement.

#### **6.2.4 Conclusions aligned with Objective Four:** *To explore capacity building needs of women land Restitution beneficiaries of the Mkhwanazi Land Restitution project*

This study's objective aimed at exploring capacity building needs of women beneficiaries of the settled Mkhwanazi land restitution. In the case of Mkhwanazi participants identified a number of capacity building areas which they believed would go a long way towards empowering them and reverse the situation of poverty and underdevelopment in the rural space. The study found that capacity building needs for women beneficiaries in Mkhwanazi centred around subsistence agriculture, participation in commercial forestry value chain and farming, precisely because of the land transferred to the Phalane Community Trust as a result of a successful settlement of Mkhwanazi restitution project.

Furthermore, studies have shown that even though countries have a constitution and laws that prohibit discrimination of women, the issue of information and knowledge gap continues to exacerbate the precarious condition of women in terms of land rights, access, control, and ownership of the land in most rural areas. Access to information is vital to access property rights, including land rights. Therefore, it is vital to identify the knowledge level on legal and administrative policies regarding land, to understand the awareness in women regarding their rights under state and customary systems. This is in line with the findings of some studies in Nepal where rural women participants in all the 3 study sites indicated a glaring lack of knowledge and information of legal provisions impacting their rights to own land and property.

### **6.3 Recommendations**

Based on the study's findings and conclusions regarding the impact of land reform on the empowerment of rural women in the Mkhwanazi land restitution programme, the researcher is recommending the following:

**6.3.1 Recommendation aligned to objective One:** *To explore the extent to which the settlement of the restitution claim benefited women's empowerment at Mkhwanazi Land Restitution project*

The study findings revealed that there are financial benefits that accrue to women beneficiaries in a community claim, and that there are women beneficiaries who received such benefits; however, the number of women who benefitted are far less than men who are always dominant and in the majority in the community. It is thus recommended that the businesses operating on the Mkwanzazi land and the Board of trustees to be transparent about the nature and extent of such business operations and revenue streams for the benefit of beneficiaries, particularly, women. This is also because the study also revealed that, except a few women employed by the Phalane Board of trustees, financial benefits that accrued to beneficiaries involved a once off cash payment from the leasing of commercial forest land only.

**6.3.2 Recommendation aligned to objective Two:** *To explore the level of women participation in decision making in the Mkhwanazi Land Restitution project*

The study findings revealed that women participation in decision making is lacking as most decisions are taken by men who, in patriarchal societies, are always regarded as heads of households under whose authority land matters fall. For rural women to be empowered, it is imperative to create a conducive environment necessary for them to participate fully in all decision-making processes relating to the land claim, from the settlement processes and post settlement of the restitution so that women have an equal footing with male beneficiaries.

It is recommended that gender equality and empowerment are integrated into the land claim processes from start to end, and that land restitution project officers are capacitated and sensitized about such imperatives in discharging their responsibilities. The Commission on Restitution of Land Rights and the Land Claims Court of South Africa need to come up with gender sensitive indicators for monitoring and evaluating the performance of the land restitution programmes on the empowerment of rural women in their communities.

**6.3.3 Recommendation aligned to objective Three:** *To explore barriers or problems that are faced by women beneficiaries in the Mkhwanazi Land Restitution project*

Rural women are faced with numerous barriers in their socioeconomic development and prosperity. Women who are land restitution beneficiaries also navigate such a terrain on a daily basis. While the manifestation of this in the context of this study is women's lack of information about the land claim and settlement, there is a lack of information and awareness about the rights to which they are entitled to as individuals, members in their household and the community.

It is recommended that the recognition and profiling of all legal entities and leadership of claimants' community whose work should be dealing effectively with barriers and challenges faced by women in rural community claims, and proposed interventions of dealing with those who perpetuate barriers and challenges that prohibit rural women from being empowered through initiatives such as land restitution programmes.

#### **6.3.4 Recommendation aligned to objective Four:** *To explore capacity building needs of women land Restitution beneficiaries of the Mkhwanazi Land Restitution project*

This study recommends the Land Claims Commission process community land claims in a manner that seeks to prioritise and promote gender equality and empowerment of women over a sustained period. Furthermore, they should provide good leadership training and capacity building initiatives that target rural women beneficiaries in community claims while also assisting women to partake actively in the post settlement activities that further benefit and sustain them.

#### **6.4 Contribution of the Study**

The study could assist the Department of Agriculture Land Reform and Rural Development and Commission on Restitution of Land Rights in identifying shortcomings in the execution of their mandate specifically with regard to gender mainstreaming in all the programmes until post settlement. The literature covered in Chapter Two of this study, criticised the Department for not having sex and gender aggregated data to be able to monitor and evaluate progress on the delivery of land reform and restitution in terms of gender equality and empowerment of rural women. This should afford the Post Settlement to also develop gender - women specific programmes - that seek to provide post settlement support to women and women only targeted capacity building programmes. This should go a long way for M&E to have data with indicators being part of the Annual Performance Plan of the Department and that of the Commission.

## **6.5 Areas for future research**

Future research should be undertaken to investigate the extent to which land restitution rights can be implemented in a way that promote gender equality especially in rural claims that involve communities and rural women. And to what extent the policy and legislation perpetuate gender inequality in rolling out the land restitution programme in the republic of South Africa. What does it mean to be a women beneficiary in community claims which have been lodged by Amakhosi on behalf of the claimants' households, what role can the Commission on Restitution of Land Rights and the Land Claims Court (LCC) play in pursuing a gender equality course in rural community claims and empowerment of women in that regard?

## **6.6 Concluding remarks**

This chapter presented a review of the thesis, concluding and recommending ways on improving the land restitution program by empowering rural women who are beneficiaries in community claims, using the case of Mkhwanazi in the King Cetshwayo District within the province of KwaZulu-Natal. Therefore, government should review legislative and policy provisions that do not promote gender equality and disempower women beneficiaries in rural community land restitution projects like in the case of Mkhwanazi and deal with what women empowerment theorists, Kabeer, Cornwall and Rivas regard as structural and social fundamentals which reproduce and perpetuate women disempowerment, engage to change and transform the patriarchal nature of the society and its institutions radically.

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## APPENDIXES

### Gatekeeper's Letter

Postal Address:  
P.O. Box 7334  
Empangeni Rail  
3910



Physical Address:  
OLD N2 Road R102  
Mtunzini  
3867

Reg NO: IT 1338/2006/PMB

To whom it may concern

**Mr Mayamezeli D. Dlamini**, student number 902419940 is a Public Administration Master's (MPA) candidate at the University of KwaZulu-Natal- Westville campus. We as Phalane Community Trust acknowledge and understand that his research project will contribute towards his masters thesis project titled: **The impact of Land Reform on Rural Women in South Africa: The case of Mkhwanazi Land Restitution Programme in Umhlathuze Local Municipality under King Cetshwayo District Municipality.**

The Phalane Community Trust is aware that the study will take place during office hours for which he will be collecting data by means of interviewing key person(s) in the leadership of the Trust and other key members of the Phalane Community Trust which he deems necessary to achieve the objectives of this research.

The Phalane Community Trust supports and understands that this project involves accessing personal views and information from (people/persons) who serve in leadership of the Trust and the members of the Mkhwanazi Phalane Community Trust. Such data will be provided to the researcher with all personally identifying information; however, during the data presentation in the form of the final thesis e.g., names shall be removed so that the data cannot be traced to any individual.

I support and grant permission to conduct this research at (Phalane Community Trust).

Sincerely



**PHALANE COMMUNITY TRUST**  
• Forest In, R102 Old N2 Road  
Mtunzini, 3867  
Tel: 093 870 8929  
Email: phalanetrust1@gmail.com

Inkosi MM Mkhwanazi  
Phalane Community Trust Board Chairperson, Trustee and Inkosi Yesizwe  
sakwaMkhwanazi  
Phalane Community Trust  
(0721283469) m.m.mkhwanazih@gmail.com

PHALANE COMMUNITY TRUST  
Forest In, R102 Old N2 Road  
Mtunzini, 3867  
Tel: 093 870 8929  
Email: phalanetrust1@gmail.com

**Founder**

Inkosi Mkhontokayise Mkhwanazi.

**Trustees:** Inkosi M Mkhwanazi (chair) NR Cele (Secretary) NK Mkhwanazi (Treasurer)  
MH Mhlongo, V Skhakhane

## Interview guides

### IsiZulu interview guide

#### **Uhlaka nohlu lwemibuzo yocwaningo (ngokohlelo locwaningo lomuntu- nomuntu ngamunye)**

1. Imihlomulo ehlobene nesicelo sokubuyiselwa komhlaba kwabesifazane.

- Kungabe isimo sakho sezemali sithuthukile yini nokuphothulwa kwesicelo somhlaba, uma impendulo ithi yebo, ithuthuke kanjani, uma uthi cha, kungabe kubangelwa yini? Has your financial situation improved after the claim was settled, if so how, if not why?
- Kungabe isimo sempilo yakho ithuthukile emva kokuphothulwa kwesicelo sokubuyiselwa komhlaba, uma impendulo ithi yebo, ithuthuke kanjani, uma uthi cha, kungabe kubangelwa yini.
- Kungabe ukuphothulwa kwesicelo somhlaba lube nalo yini uguquko esimweni sakho sokuphila nje, uma impendulo ithi yebo, ithuthuke kanjani, uma uthi cha, kungabe kubangelwa yini?
- Kungabe izinga nesimo sakho njengomuntu wesifazane sithuthukile noma senyukile yini, uma impendulo ithi yebo, ithuthuke ngayiphi indlela futhi kanjani?

2. Ukuzibandakanye kwabesifazane neqhaza labo kwisicelo sokubuyeisela kwamalungelo ezomhlaba.

- Kungabe likhona yini iqhaza elidlalwe abahlomuli besifazane kwisicelo somhlaba sakwaMkhwanazi, uma impendulo ithi yebo, qhaza liphi eladlalwa abesifazane?
- Yiliphi iqhaza elabanjwa abesifazane, kwesiphi isigaba sokusetshenzwa kokuphothulwa kwesicelo, (esigabeni sokulungiselwa ukuphothulwa, noma sesiphothuliwe)?
- Kungabe qhaza lini elabakhona labesifazane elabanomthelela kwindlela nesinqumo sokuphothulwa kwesicelo somhlaba, uma impendulo ithi yebo, kwenzeka njani lokho, uma uthi qha, yini eyabangela lokho? Ukuba isinqumo nendlela yokuphothulwa kwesicelo kwakungesakho kuphela, wawungancoma

ukuthi siphothulwe njani, nokuthi ukusetshenzwa komhlaba, nesizathu salokho?

3. Imigoqo nengqinamba ezibhekene nabahlomuli besifazane kwisicelo sokubuyiselwa somhlaba sakwaMkhwanazi.
  - Ucabanga ukuthi iziphi izingqinamba nemigoqo ebhekene nabesifazane kwisicelo sokubuyiselwa komhlaba sakwaMkhwanazi?
  - Zingasombululwa kanjani lezongqinamba, ngubani futhi ngobani?
  - Zingasombululwa kanjani izinkinga nezingqinamba, ezingeni lomuntu ngamunye, emndenini, emphakathini nasezingeni likahulumeni. ngubani futhi ngobani?
4. Izidingo nqngangi zokukhulisa amakhono abesifazane kwizicelo zokubuyiselwa amalungelo omhlaba.
  - Angukuchaza uthi iziphi Izidingo nqngangi zokukhulisa kuthuthukiswa amakhono abesifazane kwizicelo zokubuyiselwa amalungelo omhlaba?
  - Yiziphi izinto ongazincoma noma uziphakamise zokulungisa Izidingo nqngangi zokukhulisa Amandla amakhono abesifazane kwizicelo zokubuyiselwa amalungelo omhlaba, kungani uncoma lezo zinto?

#### English interview guide

### **The impact of Land Reform on Rural Women in South Africa: The case of Mkhwanazi land Restitution Programme**

1. The benefits for women from Mkhwanazi Land Restitution claim.
  - Has your financial situation improved after the claim was settled, if so how if not why?
  - Has your livelihood improved since the claim was settled, if so how, if not why?
  - Has the settlement of claim transformed your situation, if yes, how so, if not, why
  - Has your status improved as women as result of the Mkhwanazi land restitution settlement, if yes, in what ways and how?

2. Women involvement/participation in land restitution claim.
  - Was there a specific role played by women beneficiaries in the Mkhwanazi claim, if yes,
  - What role did women beneficiaries play, and at which phase of the claims settlement process (pre settlement and post settlement?)
  - Has your participation played a role in influencing the type of settlement option, if yes, how, if not why. If you were to have been given a decision making on the settlement and land use, what would you have recommended and why?
  
3. The barriers/problems faced by women beneficiaries of the land restitution claim.
  - What do you think are barriers faced by women in restitution claims settlement?
  - How can those challenges be addressed by who and why?
  - How can such problems or barriers be addressed and who should address such problems or barriers (at individual, household, community and government)
  
4. The capacity needs of women beneficiaries of the land restitution claim.
  - How would you describe as capacity needs specifically for women?
  - What intervention would you recommend to address women capacity needs, and why?

## Consent Forms

English consent forms

### UKZN HUMANITIES AND SOCIAL SCIENCES RESEARCH ETHICS COMMITTEE (HSSREC)

#### APPLICATION FOR ETHICS APPROVAL For research with human participants

Information Sheet and Consent to Participate in Research

Date:

Greetings,

My name is Mnyamezeli Derrick Dlamini, student number: 902419940, from University of KwaZulu-Natal. My contact details tel / cell number respectively 033 341 2600 and 082 419 5244 and my email address is Mnyamezeli.dlamini@drdlr.gov.za

You are being invited to consider participating in a study that involves research. The aim and purpose of this research is to investigate the “**The impact of Land Reform on Rural Women in South Africa: The case of Mkhwanazi land Restitution Programme**”. The study is expected to be conducted in Mkhwanazi restitution community, in Umhlathuze Municipality under King Cetshwayo District. It will involve collecting data through interviews and focus Groups interviews. The duration of your participation if you choose to participate and remain in the study is expected to be 45-60 minutes. The study is self-funded.

The study does not include any risk to participants. We hope that the study will create the following benefits which will assist the participants to understand the impact of Land Reform on women restitution beneficiaries, role of women beneficiaries during the process so as to influence policy and processing of community restitution claims. The study does not have any participants who are currently on treatment for any health conditions.

This study has been ethically reviewed and approved by the UKZN Humanities and Social Sciences Research Ethics Committee (approval number\_ **HSSREC/00001817/2020**).

In the event of any problems or concerns/questions you may contact the researcher at 033 341 2600 and 082 419 5244 or the UKZN Humanities & Social Sciences Research Ethics Committee, contact details as follows:

### **HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION**

Research Office, Westville Campus

Govan Mbeki Building

Private Bag X 54001

Durban 4000 KwaZulu-Natal, SOUTH AFRICA

Tel: 27 31 2604557- Fax: 27 31 2604609

Email: [HSSREC@ukzn.ac.za](mailto:HSSREC@ukzn.ac.za)

Your participation in the study is voluntary and by participating, you are granting the researcher permission to use your responses. You may refuse to participate or withdraw from the study at any time with no negative consequence. There will be no monetary gain from participating in the study. Your anonymity will be maintained by the researcher and the School of Management, I.T. & Governance and your responses will not be used for any purposes outside of this study.

All data, both electronic and hard copy, will be securely stored during the study and archived for 5 years. After this time, all data will be destroyed.

If you have any questions or concerns about participating in the study, please contact me or my research supervisor at the numbers listed above.

Sincerely

Mnyamezeli Dlamini

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## CONSENT TO PARTICIPATE

I ( ) have been informed about the study entitled “**The impact of Land Reform on Rural Women in South Africa: The case of Mkhwanazi land Restitution Programme**” by Mnyamezeli Dlamini (Student number: 902419940)

I understand the purpose and procedures of the study which are as follows.

- To explore the extent to which land reform benefits women’s empowerment at Mkhwanazi Land Restitution project;
- To explore the level of women involvement /participation in the Restitution project within the Mkhwanazi community Land claim;
- To explore the barriers or problems that are faced by women beneficiaries in the Mkhwanazi restitution project; and
- To explore the capacity building needs of women land restitution beneficiaries in the Mkhwanazi Land Restitution project.

I have been given an opportunity to ask questions about the study and have had answers to my satisfaction.

I declare that my participation in this study is entirely voluntary and that I may withdraw at any time without affecting any of the benefits that I usually am entitled to.

I have been informed about any available compensation or medical treatment if injury occurs to me as a result of study-related procedures.

If I have any further questions/concerns or queries related to the study I understand that I may contact the researcher at 082 419 5244/ 033 341 2600

If I have any questions or concerns about my rights as a study participant, or if I am concerned about an aspect of the study or the researchers then I may contact:

**HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION**

Research Office, Westville Campus

Govan Mbeki Building

Private Bag X 54001

Durban

4000

KwaZulu-Natal, SOUTH AFRICA

Tel: 27 31 2604557 - Fax: 27 31 2604609

Email: [HSSREC@ukzn.ac.za](mailto:HSSREC@ukzn.ac.za)

Additional consent, where applicable

I hereby provide consent to:

Audio-record my interview / focus group discussion YES / NO

\_\_\_\_\_  
**Signature of Participant**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Witness**

\_\_\_\_\_  
**Date**

**(Where applicable)**

IsiZulu consent forms

**IKOMIDI /ISIGUNGU SEMFUNDO EPHAKEMENE YAKWAZULU-NATALI  
ESIBHEKELELE IZIMISO ZOKUZIPHATHA OCWANINGWENI LOLUNTU  
NOKUHLALISANA KWABO(HSSREC).**

**ISICELO SOKUGUNYAZWA SEZIMISO ZOKUZIPHATHA SOCWANINGO  
OLUHLANGANISA NOKUZIBANDAKANYE KWABANTU**

Ulwazi lwesivumelwano sokuzibandakanye nocwaningo (Research)

Usuku:

Sawubona,

Igama lami ngingu Mnyamezeli Derrick Dlamini, ongumfundi Esikhungweni semfundo ephakeme yakwaZulu-Natal (University) inombolo yomfundi/ student number: 902419940, Imininingwane yokuxhumana yomcwaningi imi kanje, ucingo / 033 341 2600 nomakhalekhukhwini 082 419 5244 bese I ikheli le imeyili lithi Mnyamezeli.dlamini@drdlr.gov.za

Uyamenywa ucelwa ukuthi uvume ukuba yingxenye yocwaningo inhloso yayo kuwukuphenya nokuhlola ukuthi ngabe uguquko lwezomhlaba linomthelela muphi komama basendaweni zasemakhaya: kubukwa uhlelo lokubuyiselwa kwezomhlaba kwisicelo samalungelo ezomhlaba sesizwe sakwaMkhwanazi. Ucwanningo luzoqhutshwa kwisicelo sesizwe sakwaMkhwanazi ngaphansi kwahulumeni wasekhaya waseMhlathuze ngaphansi kwamasipala wesifunda esikhulu saseKing Cetshwayo. Ucwanningo lozuqoqa ulwazi ngendlela evumeleke ocwaningweni lapho kubuzwa imibuzo kumuntu ngamunye nalapho bezoba iqeqebana. Isikhathi semibuzo sizoba phakathi kwemizuzu eyamashumi amane nesihlanu kuya kweyamashumi ayisithupha. Ucwanningo lolu luxhaswe ngumfundi ngaphandle koxhaso mali lwangaphandle.

Ucwaningo ulazoba nobungozi noma ubucayi kuzobe eyingxenywe yalo. Siyathemba ukuthi ucwaningo luzobanomthelela omuhle ozohlomulisa ngokulekelela ekutheni kuqondwe kabanzi ngeqhaza labesifazane basendaweni zasemakhaya abangalidlala ukuze babenovo ekwakhiweni kwenqubomgomo nokucutshungulwa kwezicelo zokubuyisela amalungelo omhlaba emphakathini. Ucwaningo alunabo abazoba ingxenywe okumanje bayanyangwa ngenxa yezifo zempilo. Ucwaningo luhloliwe laphinda lagunyazwa isigungu senyuvesi yakwaZulu-Natal eyangamele izimiso zokuziphatha zocwaningo nobuchule oluthinta uluntu nemiphakathi. **(Inombolo yesigunyazo yile-HSSREC/00001817/2020)**

Esimweni lapho kuba khona izinkinga noma imibuzo ngalocwaningo, ungaxhumana nomcwaningi qobo lwakhe ku 033-3412600 naku 082 4195244, noma okanye isigungu senyuvesi yakwaZulu-Natal eyangamele izimiso zokuziphatha zocwaningo nobuchule oluthinta uluntu nemiphakathi (UKZN Humanities & Social Sciences Research Ethics Committee) imininingwane yakhona ingezansi:

**Ihhovisi Lezocwaningo: Humanities & Social Sciences Research Ethics Committee UKZN Research Ethics Office Westville Campus, Govan Mbeki Building Postal Address: Private Bag X54001, Durban 4000 Ucingo: +27 31 260 8350 / 4557 / 3587 Email: HSSREC@ukzn.ac.za Website: <http://research.ukzn.ac.za/Research-Ethics/>**

Ukuhlanganyela neqhaza lakho kulocwaningo lugunyazwe nguwe ngaphandle kwempopo, nokuthi uyamnika umcwaningi igunya lokuthi asebenzise izimpendulo zakho emibuzweni ekufezekisweni kwenhloso yocwaningo. Ungakwazi ukuthi uzibandakanye noma uhoxe uma uzwa kanjalo, akuzoba nemiphumela emibi kuwe. Akuzobakhona mhlomulo wemali ngokuba yingexenywe yalophenyo, igama lakho lizogcineka liyimfihlo yomcwaningi kanye nesikole esaziwa njenge School of Management, I.T. & Governance futhi izimpendulo zakho angeke zasetshenziselwa okunye ngaphandle kwalomsebenzi wocwaningo.

Ulwazi olunoma yiluphi uhlobo luyogcinwa luphephile kuze kuphele iminyaka emihlanu lapho luyogcinwa kweminye imiqulu yokongiwa kolwazi, emva kwalokho imininingwane noma ulwazi luyoba selushatshaliswa luqedwe okomphela.

Uma unemibuzo noma izikhalazo ngokuba neqhaza kulocwaningo, ungaxhumana name noma umbhekeli nomphathi wami wocwaningo kwizinombolo ezibhalwe ngenhla ekuqaleni.

**Yimina Ozithobayo**

**Mnyamezeli Dlamini**

---

## ISIVUMELWANO SOKUBAMBA IQHAZA

MinaI ( ) ngichazelwe ngatshelwa ngalocwaningo lwesikole oluthiwa **“Umthelela woguqulo lwezomhlaba komama basendaweni zasemakhaya eNingizimu Africa: “Isicelo sokubuyiselwa samalungelo omhlaba somphakathi wesizwe sakwaMkhwanazi”** umfundi u Mnyamezeli ka Dlamini (Inombolo yokuba umfundi: 902419940)

Mina ngiyayiqonda inhloso nenqubo yalocwaningo njengoba ibekwe kanje.

- Ukuhlola izinga lemhlomulo nemthelela ekupha nokuthuthukiswa kwabesifazane kwisicelo sokubuyiselwa amalungelo omhlaba sakwaMkhwanazi;
- Ukuhlola izinga lweqhaza nokuzibandakanye kwabesifazane kuhlelo lokubuyiswa kwamalungelo omhlaba kwisicelo somphakathi sokubuyiselwa somhlaba sakwaMkhwanazi;
- Ukuhlola imigoqo nezinkinga ezibhekene nabasuswa kwisicelo sokubuyiselwa amalungelo omhlaba kwaMkhwanazi ; kanye
- Ukuhlola izidingo zokuthuthukiswa nokohlonyuliswa kwabesifazane ababahlomuli kwisicelo sokubuyiselwa amalungelo ezomhlaba kwaMkhwanazi.

Mina nginikezwe ithuba lokuthi ngibuze ngocwaningo ngathola izimpendulo ezanelisayo emibuzweni yami.

Ngiyaqinisekisa ukuthi angiphoqwanga ukubamba iqhaza kulocwaningo, ngizingenele ngesifiso, nokuthi ngingahoxa noma inini uma isimo siba njalo futhi ngeke kwaphazamisa imihlomulo engijwayele ukuyithola engxenye.

Ngazisiwe ngomhlomulo okhona noma unyango lwezempilo noma ukulimala okungenzeka ngesikhathi kwenziwa locwaningo.

Uma ngingemibuzo noma izikhalazo ngocwaningo ngiyaqonda ukuthi ngingaxhumana nomcwaningi kulezinombolo 082 419 5244/ 033 341 2600

Uma ngingemibuzo noma izikhalazo ngocwaningo nokubamba iqhaza kwami kulo, namalungelo enginawo njengomuntu oyingengxenywe yocwaningo noma ngaye umcwaningi ngingaxhumana nalaba abalandelayo:

## **HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION**

Ihovisi locwaningo, **Westville Campus**

**Govan Mbeki Building**

**Private Bag X 54001**

**Durban**

**4000**

**KwaZulu-Natal, SOUTH AFRICA**

**Tel: 27 31 2604557 - Fax: 27 31 2604609**

**Email: [HSSREC@ukzn.ac.za](mailto:HSSREC@ukzn.ac.za)**

Ukuvuma nokuzibophezela, la kunesidingo

Ngiyavuma ukuthi ngibe yingxenywe yocwaningo kanje:

Ingxoxo eqoshiwe ngesiqopha mazwi / Ingxoxo eqondile yabantu abavile koyedwa

YEBO /CHA

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**Ukusayina komubambiqhaza kucwaningo**

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**Usuku**

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**Ukusayina kwafakazi**

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**Usuku**

**(uma kunesidingo)**

## Ethical Clearance



10 November 2020

Mr Mnyamezeli Derrick Dlamini (902419940)  
School Of Man Info Tech & Gov  
Westville Campus

Dear Mr Dlamini,

Protocol reference number: HSSREC/00001817/2020

Project title: The impact of land reform on rural women: The case of Mkhwanazi Land Restitution Programme  
Degree: Masters

### Approval Notification – Full Committee Reviewed Protocol

This letter serves to notify you that your response received on 30 October 2020 to our letter of 12 October 2020 in connection with the above, was reviewed by the Humanities and Social Sciences Research Ethics Committee (HSSREC) and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number. **PLEASE NOTE:** Research data should be securely stored in the discipline/department for a period of 5 years.

**This approval is valid for one year until 10 November 2021**

To ensure uninterrupted approval of this study beyond the approval expiry date, a progress report must be submitted to the Research Office on the appropriate form 2 - 3 months before the expiry date. A close-out report to be submitted when study is finished.

All research conducted during the COVID-19 period must adhere to the national and UKZN guidelines.

HSSREC is registered with the South African National Research Ethics Council (REC-040414-040).



Professor Dipane Hlalele (Chair)

/dd

Humanities & Social Sciences Research Ethics Committee  
UKZN Research Ethics Office Westville Campus, Govan Mbeki Building  
Postal Address: Private Bag X54001, Durban 4010  
Tel: +27 31 260 8330 / 4557 / 3547  
Website: <http://research.ukzn.ac.za/Research-Ethics/>

Founding Campuses:  Edgewood  Howard College  Medical School  Pietermaritzburg  Westville

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