

PIETY IN THE SKY?

GENDER POLICY AND LAND REFORM IN SOUTH AFRICA

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This article examines the disjuncture between high-level commitments to gender equity and practice in South Africa's land reform programme. Weaknesses in implementing the gender policy of the Department of Land Affairs stem largely from limitations within the broader programme, compounded by the inadequate conceptualization and management of the task and an absence of political accountability around women's land rights by the Department and Ministry. The low political priority accorded gender policy is itself a reflection of weak levels of organization among rural women. However, rural women, show an interest in strengthening their rights in land and the small number of women whose households have secured land through the programme regard this as a positive achievement. Key words: land reform; gender; South Africa.

In April 1997 South Africa's Minister of Land Affairs approved a 'Land Reform Gender Policy' document 'aimed at creating an enabling environment for women to access, own, control, use and manage land; as well as access credit for productive use of the land' (Department of Land Affairs 1997a: 2-3). This document committed the Ministry and Department of Land Affairs (DLA) to a wide-ranging set of guiding principles to 'actively promote the principle of gender equity' in land reform; these included mechanisms for ensuring women's full and equal participation in decision-making; communication strategies; gender-sensitive methodologies in project planning; legislative reform; training; collaboration with NGOs and other government structures, and compliance with international commitments, such as the 1995 'Beijing Platform for Action' and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (which South Africa had re-ratified in 1995).

The approval of the Gender Policy document coincided with the government's formal adoption that same month of its overall framework for land reform, the *White Paper on South African Land Policy*, which also strongly endorsed gender equity as a key outcome, to be achieved through the targeting of women as beneficiaries (Department of Land Affairs 1998: 17). Yet three and a half years later, DLA officials participating in an internal 'Gender Best Practices' workshop in the KwaZulu Natal provincial office complained that 'gender' was not part of their core business. 'The Department would not walk away from a project where you are not getting cooperation around gender issues,' said one participant (Walker 2000a). A Deputy Director in the office described the gender policy as not on the agenda of the provincial Management

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Committee at all – 'They left it to the Programme Managers how they do it. I don't think there is a common commitment to it' (Interview).

The disjuncture between what is said in formal policy documents and the treatment of gender issues in practice lies at the heart of the research project that is reported on here.¹ This article has two main concerns. The first is to examine this disjuncture and why it exists – why the commitment to gender equity has operated mainly at the level of lofty principle, a kind of 'piety in the sky' that has not been translated into vigorous action on the ground. The second concern is to look at how DLA practice has engaged rural women, using as my prism three projects from the first phase of land reform (before 1999) in the province of KwaZulu Natal - Mahlabathini and Ntabeni in the Midlands and The Gorge on the South Coast. As the discussion will show, poor women whose households obtained land through these projects value the relative security of tenure they have gained, the ambiguities of their status within patriarchal relationships and the doubtful economic prospects for their land notwithstanding.

This study recognises that it is relatively easy to critique the often self-evident weaknesses of land policy formulation and implementation, especially when measured against their ambitious objectives, but harder to craft serious alternatives. Land reform is generally overburdened with unrealistic public expectations of what it should achieve in ushering in the just, productive and tolerant society envisaged by the 1997 *White Paper*. Inflated expectations are certainly evident in the aspirations of many gender activists for land reform to serve as a catalyst for transforming rural gender relations, as well as in the deep disappointment they express at what has been achieved to date. To institute programmes that challenge unequal gender relations is difficult, partly because the subordinate status of rural women is embedded in multi-layered relationships that are not easily reduced to policy prescriptions and managed within bureaucratic budget and project cycles.

In addition, much of the work of shifting gender relations comes after the DLA has 'exited' the project, which is after the land has been transferred to the newly created legal entity that is to

¹ The research involved an analysis of primary documents, interviews with government officials and land reform experts during 2000, and fieldwork between September 2000 and February 2001. Sizani Ngubane, of AFRA, assisted by Nomusa Sokhela, conducted interviews with land reform beneficiaries on my behalf; their contribution is gratefully acknowledged. This article is a condensed version of the second of two research reports (Walker 2001a). The first report (Walker 2001b) sets out the historical background and context for land reform more fully than is possible here.

hold that land. DLA staff are under heavy pressure from senior management and the Ministry to exit projects as soon as possible after the transfer of land - in large measure, of course, because of the very real political pressure on the government to increase the pace and scope of its land reform programme. This pressure has increased as a result of the crisis unfolding in neighbouring Zimbabwe where, since early 2000, plans to 'fast-track' land redistribution, including through land invasions on white-owned farms, have led to an escalation of political violence and economic meltdown. In her parliamentary budget speech in May 2001 the Minister for Land Affairs highlighted an instruction to senior DLA management 'to drastically reduce the project cycle for land delivery, which at present stands at an unacceptable minimum of nine months' (Minister for Agriculture and Land Affairs 2001: 3). The emphasis on 'delivery' also works against the slower, facilitative processes required to draw women into the programme in more than a token way.

However, while the role of the DLA is circumscribed, this study argues that the weaknesses in its gender strategy stem largely from limitations within the land reform programme itself, compounded by the DLA's inadequate conceptualization of the task and an absence of political accountability by senior managers around women's land rights. The low political priority accorded gender policy is itself a reflection of weak levels of organisation among rural women. These problems are unlikely to be addressed in the current phase of land reform (since the national elections of 1999), which emphasises agricultural productivity and the promotion of a black farming class above land reform as part of a broader, pro-poor development strategy.

The discussion is organised as follows. Section one summarises the general context for land reform and gives a brief overview of the ANC government's land reform programme since 1994. Section two examines the DLA's commitment to gender equity at the national level and its failure to turn high-level principles into effective tools for implementation. Section three looks at the haphazard manner in which national gender policy has been managed in KwaZulu Natal and implemented in three projects within that province. Finally, section four concludes with some observations about the limitations of the land reform programme and how to build on the restricted gains that have been made for women to date.

THE CONTEXT FOR LAND REFORM

The tension between the DLA's commitment to significant social transformation (including in gender relations) and its need to show results in the delivery of land reform (measured generally in crude numeric indicators of hectares transferred and beneficiaries recorded) has operated since 1994. It reflects a deeper ambiguity within the land reform programme, evident in the contrast between the political prominence attached to land issues in the constitutional negotiations of the early 1990s, and the minor role accorded land and agrarian reform in the ANC's macroeconomic strategies since taking office in 1994.

The political and economic pressures for land reform grow out of South Africa's history of colonial dispossession in the eighteenth and nineteenth centuries and the racial pattern of land ownership successive white minority governments enforced after 1910. This saw a mere 13% of the land area of the country reserved for use by the African majority,² under increasingly attenuated forms of communal tenure on state-owned land, which was administered on behalf of the state by reconstituted 'traditional' Tribal Authorities. After the apartheid government took power in 1948, a far-reaching programme of spatial control over the black population led to the resettlement of more than 3,5 million people (both urban and rural) in furtherance of white minority rule (Platzky and Walker 1985). Most African relocatees were moved out of what were deemed white areas into resettlement camps within the reserves which, from the late 1950s, were repackaged into ten ethnically-based bantustans or 'homelands' for the African population, in a classic strategy of divide and rule. Today some 14 million people (a little under one third of the population) reside in the former bantustans (Statistics South Africa 1999a and 2000).

For much of the twentieth century these areas served as labour reserves for the mining and expanding industrial centres of the country. However, as mining declined in importance and industry became less labour-intensive in the second half of the century, so the importance of migrant labour declined and the crisis of poverty in the bantustans deepened. The migrant labour system on which South Africa's economy was historically based was a deeply gendered operation, with government policies targeting men as the migrants and women as the reproducers of the increasingly marginal subsistence economy within the reserves. This led to a marked preponderance of adult women over men in these areas, a feature which persists today (Walker

² Terminology to describe social groupings in South Africa is always unsatisfactory. I use the term 'African' to refer to the 77% of the population whose ancestry and languages are (primarily) African in origin. I use the term 'black' to refer to all people who were classified as 'non-white' under apartheid, which includes other minority groups, i.e. people of Asian (primarily Indian) descent and so-called 'coloured' ('mixed-race') people as well.

2001a: 23).

The imprint of the bantustan system appears indelibly etched on South Africa, the legacy of this dysfunctional spatial dispensation undermining present efforts at integrated planning and the redistribution of resources. The suffering caused by these policies was a central theme in the 'master narrative' that drove popular mobilisation around land reform in the 1980s and during the constitutional negotiations in the early 1990s (Walker 2000b). Across all sectors of the broad liberation movement the inequity of the 87/13% division of the country between whites and blacks was a symbol of black oppression, its eradication a herald of democracy. At the individual and community level land remains imbued with cultural meanings that extend beyond its utilitarian value – land as the basis of community and link with previous generations is a potent element in the social identity of many South Africans, especially but not exclusively in the rural areas. Rural-urban linkages continue to thread town and country together in the economic strategies and consciousness of many people and to feed the urban interest in land reform.

At the same time, severe poverty in the rural areas and high unemployment in the formal economy underpin the rural demand for land. An estimated 70% of the rural population are poor or very poor (May *et al* 2000a: 30). In the bantustans peasant farming has long ceased to be an economic mainstay, but access to land remains critically important in people's daily struggles to cobble together a living from a variety of livelihood strategies. According to May *et al* (2000b: 234) agricultural production is the third most important 'livelihood tactic' in rural areas, after wage labour and state pensions. Land has value not only for food and market crops, but also for the non-commoditized resources it offers poor people - grazing, firewood, building and craft materials, medicinal herbs, etc. (See also Lund and Ardington 1996 and Shackleton *et al* 1999.) The symbolic importance of land as a barometer of inequality continues to resonate with policymakers, while politically land reform remains a potential flashpoint, as land invasions in July 2001 at Bredell, on the outskirts of Johannesburg, underscored.³ Developments in Zimbabwe add another element of volatility.

Nevertheless, despite the multi-faceted importance many South Africans attach to land, land reform has occupied a lowly position as an ANC programme of government. One indication is

³ These invasions involved poor and frustrated urban residents seeking peri-urban land on which to build informal houses but were presented by many media reporters and politicians as a consequence of the failure of land reform

the DLA's share of the National Budget, which has always been tiny - in 2001 in the region of 0,38%, on a par with the Department of Arts, Culture, Science and Technology and well below the 0,9% allocated to the Department of Trade and Industry and the 1,4% allocated to the Department of Housing (calculated from National Treasury 2001: 9). The main preoccupations of the ANC government, both politically and economically, are urban and industrial – fashioning an investor-friendly macroeconomic strategy, promoting black empowerment strategies in business, addressing the huge backlog in low-cost urban housing, and managing its conflictual alliance with the trade union movement. Throughout the 1990s government policy makers have tended to regard rural development for those living outside the urban areas as pre-eminently a welfare problem (Walker 2001b: 30-33).

In part this can be explained by the declining importance of agriculture in the national economy. Agriculture contributes under 4% to South Africa's Gross Domestic Product (Statistics South Africa 2000: 57) and thus plays a much smaller role in the economy of South Africa than in other parts of sub-Saharan Africa, where land tenure reform has been assigned a major economic significance. Alongside this is the political and economic weight of the urban areas, where today some 54% of the population are located (ibid: 9). The ANC's focus also reflects a long history of urban bias within the organization, which was evident even when South Africa was a predominantly rural society (Hart 1996).

At the same time, the radical redistribution programme envisaged by many ANC supporters in the early 1990s was shackled by the outcome of the constitutional negotiations and the increasingly conservative macro-economic policies adopted by the ANC in government from 1994. The intense negotiations around land reform of 1993/94 resulted in a compromise – restitution and redistribution were endorsed but within the context of a market-led programme based on 'willing seller/willing buyer' principles and protection for existing property rights. Within the ANC there was a steady move away from its 'growth through redistribution' election manifesto (ANC 1994) towards a host of neo-liberal policy prescriptions for 'redistribution through growth' - fiscal discipline, public service 'rightsizing', privatisation, and the deregulation of industry and financial controls. These included a dramatic deregulation of the once heavily protected agricultural sector, to the point where South African agriculture is now one of the least state-protected agricultural sectors in the world and struggling to adjust to global market

policies more generally.

conditions (Van Rooyen 2000). These policy shifts came together in the ANC's 'Growth, Employment and Redistribution' (GEAR) strategy of 1996 and can be explained by a number of factors, including the external context when the ANC came to power, the internal balance of forces during the political transition, deep ambivalences in its economic thinking, and the influence of the small but growing black middle class - between 1991 and 2000 the proportion of the rich classified as black grew from nine to more than 22% (Walker 2001b: 12-13; see also Marais 1998 and Habib and Padayachee 2000).

The First Phase of Land Reform, 1993 - 1999

The land reform programme that emerged out of the negotiations and policy debates of the early 1990s attempted to meld a strong commitment to the goals of social justice with the principles of market-led land reform. There were three main components: restitution for those who had lost land rights as a result of racially discriminatory policies after 1913 (when the Natives Land Act laid the foundations of the reserve policy);⁴ redistribution of land to poor and land-hungry rural communities, and tenure reform, to strengthen tenure security for people with insecure rights in land, primarily workers and their families living on white-owned farms and the people living in the former bantustans.

The DLA's task was mammoth - to meet the very high expectations of rapid land reform among the newly enfranchised majority, to draft and guide through an unfamiliar Parliamentary process the legislation to achieve this, and to develop the institutional structures and operating systems to support its work. All this had to be undertaken within the unsettled context of the political transition, with a very limited budget and a small core of new recruits to government to design the programme. In the early years the DLA was further handicapped by the isolationism of government departments, often finding itself working at cross-purposes with other departments, especially at the provincial and local level. The complexity of the institutional task was unanticipated by the advocates of land reform – today still politicians, policy-makers and the public grossly underestimate the multi-dimensional capacity needed for effective implementation.

The redistribution programme was introduced initially as a pilot programme in designated 'Pilot

⁴ This programme, initially assigned to a Commission and a Land Claims Court to process, is not discussed here.

Districts' in each province, while systems and procedures were developed and new provincial offices established. It was aimed at poor black communities with no or insufficient land. Utilising a state grant package, eligible households could purchase land on the market (generally assisted by the DLA or NGOs) with the balance of the grant (usually very little) available for development of that land. Because of the high cost of farmland relative to the grant, as well as social forces encouraging group mobilisation, most projects involved a number of households pooling their grants to buy land jointly. In some cases strong historical ties held the group together, but often the impetus came more from the exigencies of project design and the aspirations of local leaders than from compelling social or economic considerations.

Thus in the case of Mahlabathini, the 15 households involved obtained a total grant of R225,000 by pooling their individual household grants of R15,000. The farm cost R90,000, leaving a development budget of R135,000 for very basic infrastructure - an irrigation system and fencing for a four-hectare community garden, three boreholes for domestic water, building materials for pit latrines and some tools and seed (DLA KZN KNA/4/4/1). At Ntabeni the land cost R110,000, which almost exhausted the total allocation of R120,000 (R15,000 per 8 households). Here community members agreed to make an additional contribution of R3,000 per household to project funds, which they raised by selling the only asset they had, cattle (DLA KZN KNA/4/2/24).

Initially projects focused primarily on settlement, and the cursory attention to economic development was a frequent complaint of land reform critics, especially in the commercial farming sector. However, over time a range of different 'products' developed under the redistribution umbrella, while DLA began to place more emphasis on smaller projects and ecological sustainability (Levin 2000: 68). In 1999/2000 a departmental 'Quality of Life' study was cautiously positive about some of the achievements. Based on a national sample of 101 projects, it concluded that redistribution was meeting a key objective, to target the poor and the very poor, even if the scale of the programme was very limited (DLA 2000b: v). The study confirmed that residential settlement constituted the major land use (ibid: iv). However, it also found that 15% of projects reported an income that was 'more than sufficient to lift beneficiaries out of poverty,' and that 'land reform beneficiaries enjoy comparatively high levels of services when compared to all African rural households' (ibid: 138). It concluded on a guardedly optimistic note that 'a properly structured land reform program has considerable potential for

productive development and poverty eradication' (ibid: vii).

Progress in the first few years was extremely slow in all three components of land reform, although redistribution began to pick up noticeably in 1998/99. By December 1999 a total of 667,825 hectares of land had been redistributed (DLA 2000a) while 78,758 beneficiaries were registered on the DLA's redistribution database, covering both completed projects and those still in progress (Walker 2001b: 47). Tentative steps had also been taken to improve the tenure security of occupants on commercial farms through the Land Reform (Labour Tenants) Act of 1996 and the Extension of Security of Tenure Act of 1997. However, by the end of 1999 the redistribution and restitution programmes combined had transferred only 1,13% of agricultural land to black ownership since 1994 (DLA 2000a: 47). Furthermore, arguably the most significant aspect of tenure reform, the Land Rights Bill, which was intended to give statutory protection to people's land rights in the former bantustans, had not been approved by Cabinet. (See Claassens 2000.) Here the DLA's reluctance to confirm the claims of traditional leaders and tribal authorities to own communal land on behalf of their subjects presented the ANC with awkward political choices which it was reluctant to address. Since 1994, the ANC has engaged in a complicated political dance with the Inkatha Freedom Party (IFP), the ruling party in KwaZulu Natal, about the place of 'culture' and traditional authorities in rural local government. The IFP's political power base is centred on traditional chiefs (the *amakhosi*); ANC prevarications on how to institutionalise rural democracy have been driven both by its desire to weaken, alternatively co-opt, this power base and by its concern to curtail the extremely high levels of political violence unleashed by IFP and ANC supporters in the province in the mid 1980s. Given that the traditionalism espoused by the IFP and many of its adherents in the Tribal Authorities is deeply patriarchal, the ANC's manoeuvrings around the *amakhosi* have effectively blunted its commitment to gender equity in rural affairs - gender equity is a principle of government more readily endorsed in the urban context (Walker 1994 and 2001b).

Women were formally included in the first phase of the redistribution programme, but the official data needs to be treated with caution. Thus women accounted for a respectable 47% of the 78,758 beneficiaries listed on the national database in June 2000, but this total includes many joint husband/wife listings and says nothing about actual participation (Walker 2001b: 48). A DLA study in May 1999 found that women were relatively well represented on project committees – on an average community committee of 12, seven members were likely to be men

and five women (DLA 1999a: 13) – but cautioned that the department needed ‘to monitor over a period of time whether or not women are retaining their positions’ (ibid, 13 - 14). The ‘Quality of Life’ study found that just over 45% of beneficiaries were women, and that, at 31% of the total, ‘women headed households are at least proportionally represented in the land reform programme.’ However, it also noted ‘that male headed households have access to larger plot sizes on average’ and female-headed households were even less likely than male-headed households to use their land for agricultural purposes (DLA 2000b: 26, iii, 52). Unfortunately, limitations in the research design, in particular the reliance on an unproblematic concept of household head, hamper the usefulness of this particular study as a window on gender relations within projects. (See Walker 2001b: 50.)

Land Reform since 1999

Since mid-1999, when President Thabo Mbeki took office, a new fluidity has entered land reform as a result of significant shifts in the national policy framework – income has been dropped as a criterion of eligibility for land redistribution grants, land reform linked closely to agricultural policy, and a more accommodating stance presented towards traditional leaders. The inauguration of the ‘second phase’ of land reform took place under Thoko Didiza, who announced a moratorium on existing projects, pending a policy review, after Mbeki appointed her Minister for Agriculture and Land Affairs.⁵ Her appointment led to rapid changes in senior management in the DLA, as many appointees of former Minister Hanekom departed, leading (perhaps inevitably) to some accusations and counter-accusations of racism in the department. (See Walker 2001b: 56-57.) The turnover in senior staff added to the institutional turmoil. Much of 2000 was spent in a difficult process of internal policy formulation between the DLA and the national Department of Agriculture (NDA), which finally resulted in the publication of the ‘Land Redistribution for Agricultural Development’ (LRAD) policy in November 2000.

LRAD commits to the transfer of 30% of agricultural land from white to black ownership over 15 years and the revamping of the earlier grant system to support ‘specifically’ agricultural purposes (Ministry for Agriculture and Land Affairs 2000a: 1). Grants are awarded to eligible individuals (no longer households, as in the past) along a sliding scale, from a minimum of R20,000 to a

⁵ Interestingly, she was formerly an activist in the Women's National Coalition (see below).

maximum of R100,000. The means test has been done away with – now all members of 'formerly disadvantaged' groups (defined to include 'Africans, Coloureds, and Indians') are eligible regardless of income, provided they make an 'own contribution' (payable in either cash or kind) and use the grant for agricultural purposes. The contribution from the grantee increases in proportion to the size of the state grant, from a minimum of R5,000 to access the smallest grant of R20,000, to R400,000 (i.e. 80% of the total project cost) for the maximum state grant of R100,000. In setting their targets the DLA and NDA appear to have dusted off a set of World Bank proposals first made in 1993, which outlined a 'market-assisted' programme to transfer 30% of commercial farm land to black households for productive use (World Bank 1993). However, certain welfare proposals made by the Bank in 1993 – an outright base grant and a 'safety net' programme for families that were too poor to qualify for the small farmer option - have not been pursued.

Some gender activists believe that the shift from household to individual in the new grant system does, in theory, open up possibilities for women to acquire land rights that are independent of family and male control (Centre for Rural Legal Studies *et al* 2000: 7). A major concern, however, is that, given the weak economic and social standing of most rural women, only a tiny minority of better-off and better-educated women are likely to benefit from the new opportunities – the R5,000 'own contribution' is equivalent to a year's cash wages for many farm workers and represents a substantial amount of money (or labour) for most households, never mind for women as individuals.⁶ There are also questions about the attractiveness of farming even for those potential beneficiaries who can afford the 'own contribution', given the difficulties facing the agricultural sector in the face of international competition and the loss of state support.

The 30% target for land redistribution amounts to some 24,6 million hectares, or an average of 1,64 million hectares a year over 15 years (Walker 2001b: 58). At six times the amount of land transferred in 1998, the most successful year for land redistribution to date, when a total of 273,416 hectares were involved in project approvals and transfer (DLA 2000a: 1), the annual average implies a quite extraordinary escalation in the rate of delivery over the next 15 years. If it is indeed a serious target, then it should imply a dramatic increase in state budgets, staff capacity and general support for land reform across all tiers of government. This commitment is,

⁶ In 1996 the average annual cash wage for African farm workers in South Africa was R4,800 (Statistics South Africa 1996: 11, 14).

however, not visible. Rather, while the national budget of the DLA is set to increase over the next three years, the actual allocation to the redistribution and tenure reform programmes shows a budgeted decline from R421,9 million in 2001/02 to R339,5 million in 2003/04. Even more striking, the amount allocated for transfer payments (which covers the actual purchase and servicing of land) declines from R305,8 million in 2001/02 to R195,5 million in 2003/04 (National Treasury 2001: 599, 609). This is substantially below the R360,8 million spent on transfer payments by the redistribution/tenure reform programme in the 1998/99 financial year (ibid).

In the meantime tenure reform has continued to languish, a casualty of the socio-legal complexities and political sensitivities at stake. Only in late 2001 were draft principles finally released for public comment, with draft legislation promised for late 2002. The draft principles argue the case for accommodating traditional leaders as registered owners of communal land, while proposing that provision must also be made for a range of other landowning arrangements (Sibanda 2001: 10- 26). This is in keeping with the views expressed by Didiza in early 2000 that, in disposing of state-owned land in the communal areas, the state should build on 'existing local institutions and structures,' both to keep costs down and to ensure 'local commitment and popular support' (Minister for Agriculture and Land Affairs 2000: 11). Revealingly, gender equity was not one of the seven 'major principles' that underpin the draft Bill (Sibanda 2001: 8).

These new policy directions are consistent with the general thrust of ANC policy under GEAR. Driven in part by the policy imperatives of the NDA and its technical advisors for commercial agriculture, but informed also by the aspirations of the black elite, the major task for land reform has been redefined to support black access to land and to commercial agriculture, on the grounds of 'race' and historical deprivation rather than poverty and current need. The emphasis on race and agricultural productivity ensures that the policy commitments of the 1997 *White Paper* to poor, rural women, while not formally disavowed, remain in the background.

DLA'S NATIONAL GENDER POLICY FRAMEWORK

'First-tier' Policy Commitments not Reflected in 'Second-tier' Policy Documents

Since 1994 the DLA has undoubtedly expressed a consistent commitment to gender equity as a major policy objective at the level of principle. The legal foundations for this come from the

unequivocal assertion of non-racialism and non-sexism as founding values in South Africa's new democracy, and the elevation of the 'equality clause' to an overriding constitutional principle in relation to other clauses in the Bill of Rights (Republic of South Africa 1996). During the constitutional negotiations, strenuous lobbying by the Women's National Coalition⁷ succeeded in defeating a strong drive by traditional leaders to exempt customary law from the jurisdiction of the equality clause, with potentially important implications for land reform, especially in the former bantustans (Walker 1994). The success of the Coalition reflected an easing of earlier hostility on the part of the national liberation movement towards feminism (before 1990 it had tended to see the fight for women's rights as a western or bourgeois distraction from the primary struggle) as well as a growing assertiveness among women leaders within the ANC and allied structures. The Fourth World Conference on Women in Beijing in 1995, which was attended by a large contingent of South African women still celebrating the transition to democracy, added respectability to gender equity as an ideal and encouraged the ANC government in its role of champion of human rights.

Thus the 'Core Business Plan' drafted for the Land Reform Pilot Programme in November 1994 stated that 'Overall, the elements of the Programme are intended to enhance the material, political, and social status of women' (DLA 1994: 8), while the 'Draft Land Policy Principles' of 1995 noted: 'It is necessary to ensure that the programme gives priority to facilitating the participation of women' (DLA 1995a: 3). These broad commitments were developed in the 1997 *White Paper*, which also acknowledged that mechanisms to give them effect had 'yet to be adequately formulated' (DLA 1998: 17). The commitment to gender equity at the level of overarching principle has been carried forward into the second phase of land reform. Although earlier versions of the LRAD policy were less forthcoming (for which they were criticised by the NGO sector), the final draft of the LRAD Policy document includes a sub-section on 'Gender and LRAD' which claims that 'LRAD provides an excellent vehicle for redressing gender imbalances in land access and land ownership' and 'will help government meet its international commitments' (Ministry for Agriculture and Land Affairs 2000: 4). It also states that 30% of the land to be transferred to black people through the programme should go to women (ibid: 3). At the departmental ceremony to commemorate National Women's Day 2000, senior management signed a Pledge reaffirming their commitment to the Beijing Platform of Action (DLA nd).

⁷ The Coalition was launched in 1992, bringing together a wide range of women's organizations across the political spectrum to lobby for women's rights in the constitutional negotiations. See Abrams 2000 for a history.

These documents are what might be termed ‘first-tier’ policy documents, operating at a high level of general principle. A measure of the seriousness of such commitments is their treatment in ‘second-tier’ or middle-level policy documents, such as criteria for project approval and project monitoring, generic briefs for consultants, and training materials for staff. These are the documents which begin to operationalize policy, by setting the parameters within which projects will be approved, funds disbursed, consultants appointed, and managers and staff rewarded or penalised for their performance. At this level the commitment to gender equity is much less forthcoming.

In several key documents the *White Paper’s* intention to direct ‘more attention to meeting women’s needs and concerns’ (DLA 1997b: 17) is missing entirely. Thus, most graphically, the national criteria for project approval developed by Minister Hanekom's team in late 1998 (which reflected many of the lessons learned by then about the problems of large projects and the importance of economic sustainability) employ gender-neutral language in such a way that the undertaking to target women is entirely submerged. In determining whether to approve projects submitted by provincial offices or send them back, the Minister was guided by terms of reference which specified ‘landless people’, ‘unemployed people’, ‘the group’, ‘beneficiaries’, ‘community’ and the like – but never ‘men’ nor ‘men and women’ nor ‘women’ as a special target group. (The criteria are set out in Levin 2000: 68-69.) In some second-tier documents gender policy may be invoked, albeit cursorily, but its operationalization is not actively managed. At Mahlabathini, for instance, a ‘Consultant’s Brief’ identified tenure security for women as an issue of ‘specific concern’, but the final Development Plan for the project made no proposals in this regard, nor did DLA require the consultants to rectify their oversight (DLA KZN KNA/4/4/1). In other cases gender policy may not be mentioned at all. Thus a draft ‘Consultants Brief’ for the Nkaseni project (also in KwaZulu Natal) did not list the Gender Policy document as one of the ‘relevant national and provincial ... standards and policies’ that it directed consultants to utilise (DLA KZN nd(a): 3).

In training courses the principle of gender equity has tended to be treated as an add-on rather than a central element of officials' work. For instance, a training course manual developed for DLA staff in the Northern Province in 1999 contains a strong focus on social redress in the overview sections, including references to the Gender Policy document, the national Constitution

and 'international instruments', along with statements about the responsibilities of officials to ensure that women 'make up not less than 50% of every decision making structure,' disaggregate their data in terms of gender and use 'gender-sensitive participatory methodologies ' (DLA 1999b: 5). However, these general prescriptions are not integrated with those sections of the manual that deal with the nitty-gritty of actual steps to be followed in projects. Thus the instructions to DLA officials on the background information they must collect contain no references to disaggregating data by gender; rather, staff are directed to consider only generic 'members' and 'the community' (ibid: Section 2: 9-10). Furthermore, potential beneficiaries eligible for the land grant are identified simply as 'households', with no acknowledgement of any embedded gender dynamics (ibid: Section 2: 8).

Institutional and Operational Weaknesses

Part of the problem lies in the way in which responsibility for the gender policy has been managed within the DLA. While senior management agrees that the policy should be 'mainstreamed', day-to-day responsibility for it has been assigned to a Gender Unit, which was established in late 1996 within what was then a distinct Policy Branch of the national DLA (DLA 1997a: 26). The Gender Unit has been handicapped by its weak institutional location and lack of authority. It came into operation as a small sub-directorate, without clear lines of accountability to either policy makers in the national office or implementers in provincial offices. It complains of being marginalized from the general policy process, only drawn in to comment on issues at a relatively advanced stage, when the value of its input is limited. Its staffing complement is relatively junior, without practical experience of land issues and land reform. Communication with other policy-linked sections in the department, such as the Monitoring and Evaluation Directorate and the HIV/AIDS Desk, is unstructured and haphazard (interviews).

The Unit has certainly succeeded in making gender policy more tangible, developing the 'Gender Policy' document of 1997, initiating gender training, and commenting on general policy development. However, it has struggled to give content to its prescriptions. A number of DLA officials have reservations about the capacity of the Unit, and the way in which it has gone about its business. A common criticism is that it has little understanding of the implementation process and has not tried to overcome that handicap by engaging with projects and project staff in the field – it has preferred to work out of the national office, at the level of general principle. One

Deputy Director in KwaZulu Natal expressed frustration at the lack of progress in the development of policy since 1997 - 'What are the clear mechanisms? Give them to me and I will implement. We are still at the workshop and T-shirt phase and that's my irritation with it' (interview).

Where there are 'gender-sensitive' guidelines, they tend to be very broad, revealing scant appreciation of the constraints on time and resources facing planners in the field. One Gender Unit document proposes that officials analyse 'all work done in the community and its true value' as well as how the project will 'contribute to the transformation of gender relations and ... relations between the disadvantaged and the advantaged' (DLA Gender Unit nd(a): 6). However, the document is silent on how much time should be budgeted for this work in relation to other project requirements and the implications of DLA's limited period of engagement with communities. According to one KwaZulu Natal official, 'Gender ... always operates at a theoretical level. Nobody has made the shift to how to do this practically' (interview). A senior official in the national office concurred: 'The debate around issues of gender and land reform does not identify the right problem. It is not a policy problem. The focus should be on how to strengthen women in a practical way so that they can make use of the opportunities' (interview).

Conceptual Shortcomings

The failure of the DLA to operationalize its gender policy effectively also reflects weaknesses in the conceptualisation of its task. Most gender policy directives operate at the level of general statements and normative prescriptions, which, in the absence of specific operational directions, staff experience as unhelpful, even onerous. 'Gender participatory methodologies?' exclaimed one planner. 'It's Greek!' (interview). The language is abstract and confusing - the task is to change both men and women, yet it is to target women. 'Gender' operates as a fuzzy code word that in everyday parlance has come to mean, in some imprecise way, 'women' - in the words of one male planner, 'Gender issues are about women, women's empowerment' (interview). The slippage can be seen in the Gender Unit's own documents, alongside its careful account of gender as 'the social roles allocated respectively to women and men in particular societies and at particular times.' In the same glossary of terms, 'practical gender needs' get defined solely in relation to women, as 'the needs identified to help women cope better in their existing subordinate positions' (DLA Gender Unit nd(a): 5).

This is not simply an academic quibble. The slippage between 'gender' and 'women' is implicated in the lack of clarity about how to 'do' gender. Far from making men and women visible, the term 'gender' tends to make both groups indistinct. There are no clearly sexed (and sexual) beings in land reform. Instead, there are 'communities', within which the normative being is male, appended to which there is (from time to time) 'gender', which refers, dimly, to women.

Conceptual fuzziness leading to muddled directives can be seen in the Gender Unit's uncritical adoption of Maxine Molyneux's highly influential distinction between 'strategic' and 'practical' gender interests. Molyneux has herself noted the 'curious' history of her formulation, which was developed in 1985 in an analysis of the women's movement within Nicaragua: '... what began as an attempt to render the discussion of interests more sensitive to the complex issues at stake, ended up as an over-simplified model which was sometimes applied in such a schematic way that the usefulness of thinking about women's interests at all was, for some, put in considerable doubt' (Molyneux 1998: 75). In DLA documents the distinction between strategic and practical gender needs (instead of 'interests') is presented in the abstract as a distinction between good practice and bad. Practical needs are described as relating 'largely to welfare and do not challenge the existing division of labour or the subordinate position of women in society,' whereas addressing women's strategic needs 'expedites women's empowerment and facilitates the fundamental social transformation necessary for the establishment of gender equality' (DLA Gender Unit, nd (a): 5). Thus the DLA's task becomes 'empowering women [in] their position relative to men in a way that will benefit and transform society' rather than seeking 'to increase women's efficiency in their existing roles by making more resources available to them' (DLA 1997a: 3). In adopting this position, DLA has downloaded another theoretical truth from the international literature, that of the distinction between a 'Gender and Development' (GAD) approach and a 'Women in Development' (WID) approach: 'The proposed policy is in line with the GAD approach. It is therefore recommended that the sub-directorate responsible for this policy use 'gender' and not 'women' as its focus' (ibid).

Yet targeting women as a consequence of 'gender analysis' is not, in itself, the problem. In practical terms, what would a focus on 'gender analysis' in South African land reform lead to, if not the recognition that women are subordinate as a social category and that the DLA should,

therefore, address women's weak position around land? Rather, the problem lies in not making the general appeals to gender transformation more specific, nor thinking through when and in what way policy interventions should target women and when they should not, nor recognising the limited impact of single project interventions on multi-faceted social relationships. As one KwaZulu Natal official pointed out: 'Gender is not only a DLA project. It is a whole social engineering project. DLA's intervention is for a short time. Is there a culture for this? Who supports it?' (interview).

Furthermore, to the extent that the DLA's Gender Policy is carried forward in the field, officials are more likely to follow a 'Women in Development' than a 'Gender and Development' approach. In projects DLA planners necessarily focus on what, according to the practical/strategic schema, would be classified as practical gender interests for both men and women, such as water supply for irrigation or domestic consumption, fencing, and improved road access to the newly acquired land. Far from being in conflict with the empowerment of women, organising successfully around a concrete need that women have identified (for instance, prioritising the supply of domestic over irrigation water) could improve women's capacity to engage in community affairs and enhance their status. The very process of debate about competing 'practical' needs may shift how gender relations are perceived in different communities.

Apart from the danger that an unreflective GAD approach is likely to render the interests of women invisible in the allocation of limited resources, the Gender Unit has not analysed the specific contribution of land reform to the fundamental transformation of gender relationships that it presents as the goal. How important is land compared to other resources, such as jobs or education or health services or the reform of discriminatory laws and customs? And given that the function of the DLA is to deliver land and not these other services, what types of land or projects would best empower women? The distinction between strategic and practical interests is not understood politically, as requiring an analysis of 'the strategic' in relation to actual possibilities and dynamics on the ground, rather than at a purely 'theoretical' level.

Another issue that has not been conceptualised clearly, or developed in relation to work in the field, is the Gender Unit's advocacy of independent rights in land for women (DLA Gender Unit nd (c)). It is not always clear whether this call for independent rights refers specifically to

individual rights for women, as distinct from joint rights with their husbands, or to their identification in joint title deeds as full rights holders, along with their husbands, or some combination of both. However, the source of authority for the Gender Unit is Bina Agarwal, whose fourfold case for women's rights in land - welfare, equity, equality and empowerment, (Agarwal 1994) – the Unit reproduces in a training document entitled 'Why do Women need Independent Rights in Land (Gender Unit nd (c)). Certainly Agarwal comes out strongly in favour of rights that are 'independent of male ownership and control not ... joint titles with husbands which have several disadvantages for women' (1998: 18-19). Her thesis has been influential among gender activists in South Africa, which she visited in 1997 to deliver the keynote address at a conference on Gender Policy Research on Land Reform and Development. Her point of departure, however, is the position of women in South Asia, where tenure relationships are very different from those in South Africa, with 86% of the land in private ownership in small family farms (Agarwal, 2001: 19) and communal systems of tenure insignificant. In endorsing Agarwal's arguments, the Gender Unit did not relate them to South African conditions before passing them on to DLA staff.

This complex issue is revisited below, in the light of the pragmatic preference of most women interviewed in the KwaZulu Natal projects for joint rights in household land, rather than independent rights in individual land. The point here is that DLA's uncritical reliance on external research and international orthodoxies has hindered critical reflection on South African conditions in its development of its gender policy. 'Theory' is presented in training and policy documents as something static, given, which comes from experts, who tend to be foreign. It does not have a dynamic relationship to actual practice in actual projects. Although the international discourse on gender has been important in legitimising the struggle for gender equity, the authority accorded international structures and experts is potentially disabling, suggesting there are ready-made solutions to pre-given problems of inequity and subordination. There is little in the DLA's gender policy materials to encourage officials to develop confidence in their own judgment, or to demystify 'gender' and make the task less rather than more intimidating.

Little Political Accountability for Gender Policy

Reinforcing institutional and conceptual weaknesses is the absence of serious political accountability for DLA's gender policy at the highest level. Since 1994 the Minister for Land

Affairs and DLA's senior management have treated the goal of gender equity essentially as an undertaking for formal, symbolic occasions, when the broader transformatory goals of liberation are explicitly remembered. It is not a compass for steering the day-to-day decisions that shape land reform in practice.

This is clear in the *laissez-faire* manner in which the policy has been overseen in the KwaZulu Natal provincial office, which is described in the next section – provincial managers have not held their staff accountable for implementing gender policy, nor themselves been held accountable for this omission by the national office. DLA Annual Reports to Parliament do not report on gender targets and few questions get asked the Minister about performance in this regard. The DLA has contributed to the compiling of South Africa's national report to CEDAW, but this is another example of the lofty terrain at which gender policy operates most comfortably - commitments to gender equity are more likely to be reported on to international fora than constituents at home. Outside Parliament, progress for women in land reform has not been subjected to serious scrutiny, apart from questions raised from time to time by gender activists within land-sector NGOs. While the Commission for Gender Equality (CGE) has identified the position of rural women as one of its primary concerns, it has not directed this into effective interventions in government programmes, including land reform, nor does it have any mandate to organise women (see Seidman 2000).⁸

The general measures of success within land reform have been very crude in any case, driven largely by political concerns with showing - or criticising - progress around land redistribution in terms of the numbers of beneficiaries and hectares involved, rather than engaging a more substantive and nuanced debate about the broader social and economic objectives of the programme. Where socio-economic concerns have been raised, the public debate has tended to focus in ungended terms on economic indicators, or on rural security and social stability (particularly from the side of the agricultural unions and business community), or on 'transformation', understood essentially in terms of black advancement.

These dynamics reflect the relative weakness of what may be termed the broad 'women's movement' since 1994, especially in the rural areas, and the very dilute presence of gender

⁸ The Commission for Gender equality was established by the Constitution to 'monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality' (Republic of South Africa 1996: clause

concerns in national debates on rural issues. The levels of gender activism around land displayed in the constitutional negotiations of 1993/94 have not been matched since. This was particularly noticeable in the political manoeuvring around the role of traditional leaders in the run-up to the local government elections in late 2000, where there was minimal public input by women's groups on the patriarchal nature of traditional institutions.⁹ After 1994 a number of prominent rural women leaders were siphoned off into Parliament, where they have not been as effective in representing rural women as they were in civil society. There is no strong grassroots movement of rural women - the major areas of organisation around women's rights have been in the urban areas, especially (and importantly) in relation to violence against women (Walker 2001b).¹⁰

Land reform is pre-eminently a programme of redress aimed at overturning the huge racial disparities and injustices in the land dispensation, and this, not gender, has shaped the terms of the political debate.

IMPLEMENTATION OF DLA'S GENDER POLICY IN KWAZULU NATAL

The previous sections have analysed land reform and gender policy at the broad, national level. This section looks at the management of gender policy in the provincial office of the DLA in KwaZulu Natal and extends the analysis by looking at the involvement of women in three land reform projects called Mahlabathini, Ntabeni and The Gorge. All three projects belong to the first phase of land reform, in which the transfer of secure title was the DLA's primary concern. In keeping with the priorities of this phase, the beneficiaries are all poor to very poor landless or tenure-insecure households. Mahlabathini and Ntabeni are both small redistribution projects dating from the earliest days of the pilot programme. In Mahlabathini a group of 15 former labour tenant households were given joint title to 112,5 hectares of thornveld from which they had been evicted in 1968. In Ntabeni a group of eight labour tenant households used the redistribution programme to pre-empt their threatened eviction by a new landowner and acquire joint title to 151 hectares of the farm on which they were already living. The Gorge project

187(2)).

⁹ The role of tribal authorities had not been finalized either legislatively or politically at the time of these elections. Traditional leaders, with the support of the IFP, refused to accept a proposed non-voting role on District Councils, arguing for full recognition for Tribal Authorities as local government structures. The ANC succeeded in postponing finalisation of the matter till after the local elections.

¹⁰ This compressed set of comments draws on interviews conducted in the first phase of research. See also Hassim, 1999.

involves the transfer of a state-owned farm, 486 hectares in extent, to a group of some 105 households also already settled on the land. This farm was bought by the state in 1977 for inclusion in the bantustan of KwaZulu but never transferred and was gradually settled by people from different areas, including flood victims from the neighbouring Tribal Authority and people fleeing political violence elsewhere in the district.

It is recognised that caution has to be exercised in generalising too freely from the provincial to the national picture. Given the huge range of conditions in land reform projects, as well as the different circumstances in each province, one cannot simply extrapolate from this discussion to other projects and provincial offices. However, the issues raised by the KwaZulu Natal material are pertinent nationally. For one thing, the problems of managing the gender policy in KwaZulu Natal relate to the weaknesses already described at the national level, which can be assumed to impact negatively on all provincial offices. For another, KwaZulu Natal is a major site of land reform nationally. It is the most populous province and home to approximately one quarter of all South Africans classified as 'non-urban' (Statistics South Africa 1999b: 6). It has the third highest level of unemployment among the nine provinces, at 39% (Statistics South Africa 2000: 41), and carries the further burden of being the epi-centre of the HIV/AIDS epidemic ravaging the country. In addition, the *amakhosi* are a particularly strong political constituency. The success or failure of land reform in this one region will thus have a significant impact on the success or failure of the programme nationally, while provincial programmes that successfully target poor rural women will impact positively on national levels of female poverty and landlessness.

Land Reform in KwaZulu Natal from 1995

Even a brief account of land reform in KwaZulu Natal since 1995 illustrates the magnitude of the implementation challenge. President Mandela launched the pilot programme in the Weenen/Estcourt area in March 1995, with a very modest budget of R35 million, of which about one third was to buy and transfer land (DLA 1995b: 4). The pilot district exemplified the social problems that land reform was intended to address – 'widespread and endemic' poverty, high unemployment, low levels of education (Marcus, 1995: 16), and a long history of extreme conflict over land and labour between black peasants and white landowners. The area also has a history of clan-based violence within black communities, fuelled by disputes over their

dwindling resources of land (Clegg 1979). Weenen was one of the first districts in the province to experience the official abolition of labour tenancy on white-owned land in the late 1960s, resulting in the eviction of up to 20,000 black people between 1969-1972 and their resettlement in rudimentary camps in neighbouring districts of the KwaZulu bantustan (Surplus People Project 1983, 73-74). Research in the pilot district in 1994/95 identified farm workers and labour tenants still living on white-owned land, as well as former evictees in resettlement areas, as potential beneficiaries with the strongest interest in the land reform programme (Marcus 1995: 19). The pilot district is also characterised by a 'deep rural' consciousness, with strongly traditionalist values and well-entrenched views on male authority over women. In the words of the Chairperson of the Mahlabathini Community Trust, 'Women should follow their husbands' (interview).

Confronted with this history, the redistribution programme carried a strong restitution dynamic from the start. Instead of lodging land claims with the less accessible Land Claims Commission, many ex-labour tenants and farm workers chose to work through the pilot district office to regain the land from which they or their forebears had been evicted. For the people of Mahlabathini, the pilot programme represented the opportunity to abandon the 'bad, really bad' conditions in Sahlumbe, the ramshackle, crime-ridden settlement where they had been dumped, and return to land where 'we really feel at home' (interviews). Government officials experienced enormous pressure to return ancestral land to people even when the development prospects for that land were poor, as they were at Mahlabathini (Department of Land Affairs, KwaZulu Natal [henceforth DLA KZN] KNA/4/4/1). One official described the initial process of project identification as driven by intense demand: 'Even in problematic projects, one would struggle to say how it could have been done differently. We addressed the need that was expressed at the time. We could have done better by looking at long-term development plans, but that was not in place ... and it was not DLA's role at the time' (interview).

The intensity of land issues in the district imbued land reform with an atmosphere of constant crisis, which worked against methodical planning. With limited capacity, DLA staff struggled to keep up with the huge demand, initially for land but thereafter for development on that land as well. The programme's failure to provide even basic services to the early projects led to strong criticism and discontent. In the words of one NGO field worker: 'The problem was, people got their land but nothing was done after that. ... People were just sitting in isolation' (interview).

Nevertheless, observers agree that the pilot programme did help reduce conflict and thus laid a basis on which future development could be built. 'There was so much heat and pressure and hatred,' commented another NGO worker. 'It had to be a pressure valve release, there had to be a substantial movement of people' (interview).

Another challenge confronting the DLA was the legacy of a series of ambiguous commitments made by the previous government to various *amakhosi* over land and jurisdiction over the people living on that land. The provincial office attempted to steer a difficult middle course between national DLA policy, which before 1999 was generally unsympathetic to these tribal claims, and local political dynamics, which encouraged them. A 1999 'Ministerial Briefing' noted that 'The demand for additional land in many instances relates to groups caught up in conflict and violence or threats of violence within tribal authority groups' (DLA KZN nd(b) 4). The Briefing complained of the 'undefined roles and responsibilities of the various tiers of Government; and lack of clear vision for implementation of the development framework at provincial level':

For the Provincial Office, the challenge has been to address huge land needs and historically generated expectations from tribal groups in particular, within an undefined provincial framework; while at the same time attempting to shape programmes in line with national policy shifts which are sometimes in conflict with the realities experienced in the Province (ibid).

These dynamics can be seen at The Gorge, where they have delayed the processing of the project and challenged efforts by a DLA official to encourage the participation of women. At the heart of the project lies an ambiguity about the residents' status as beneficiaries of the project in relation to the claims of the neighbouring Tribal Authority. This body regards the land and the people on it as its domain and in 1993 laid a claim with the Advisory Commission on Land Allocation, a body established by the apartheid government to make recommendations on land claims on state-owned land. In one of its many 'legacy' recommendations, this body recommended to the newly appointed Minister of Land Affairs in September 1994 (shortly before its dissolution) that the state should transfer the land to the Tribal Authority. This recommendation Minister Hanekom subsequently approved (DLA KZN KNA/7/1/3). However, many residents who accept the local *inkosi* as their chief do not want their land to come under his direct control and want to secure individual title, at least to their residential sites: '*Inkosi* was saying the land is his people want

title for individuals' (interview). For its part, the provincial DLA has favoured the formation of a Communal Property Association (CPA), to hold the land on behalf of the households registered as project beneficiaries, with Tribal Authority representation on the committee. Minister Didiza finally designated the project in October 2000 but by early 2001 transfer of the land had not yet proceeded as a number of issues were still outstanding, including a decision on the form of ownership. Here an undercurrent of violence, which has seen the murder of several prominent community members in the recent past, adds to the problems - although whether they are associated with the land reform project is not known.¹¹

In 1996 new management took over the provincial office and from March 1997 the pilot district became incorporated into its general programme. From an initial staff complement of seven in 1995 (Marcus: 1995: 34) - of whom only one was fulltime in the field - the provincial DLA expanded rapidly to a total of 75 posts across the regional and several district offices in 1998 (DLA KZN1998). This expansion was, however, based largely on contract posts paid out of donor funding, since government policy to reduce the civil service (in line with GEAR) blocked the establishment of permanent posts. Thus instead of developing a relatively stable cadre of officials to deliver land reform, DLA has relied heavily on relatively junior staff on short-term contracts. In early 2001 uncertainty about the continuation of donor funding and the security of contract posts was a serious drain on staff morale.

By 1998 the generic redistribution 'project cycle' had been refined, involving a five-phase process from 'Project Identification and Approval', through 'Pre-planning', 'Designation and Transfer', 'Detailed Planning' and, finally, 'Implementation', the latter envisaged as ultimately the responsibility of provincial and local government once DLA had transferred to them the 'remaining grants and arrangements for settlement and support' (DLA KZN 1998: 32). However, the capacity of local government to take over responsibility for land development budgets and service provision, in line with national policy, has been a serious concern. (See Walker 2001b: 35-36.) This lack of capacity extends to gender policy. Asked to comment on their policy, the Chief Executive Officer of the Uthukela Regional Council answered: 'In all honesty, I think we have passed the buck on that one' (interview).

The problem of poor or non-existent post-transfer support for projects is illustrated by the

¹¹ Two women community leaders were murdered in December 1999, followed by the project Chairman in May 2001.

unravelling of community structures at Ntabeni after DLA formally exited the project in early 2000. DLA has regarded Ntabeni as a success story, because people have shown real interest in developing their land for farming. However, major destabilising tensions over principles and procedures have since come to the fore, leading to the collapse of the Trust Committee and considerable mistrust and unhappiness in the community (interviews). The dispute centres on whether the arable land should be divided among all eight households equally, since all made an equal contribution to purchase the land, or on the basis of (unequal) historical allocations and current productive use – a decision that was overlooked during the planning stages and is not addressed in the Trust Deed. The Trust Deed is also unhelpful about how the dispute should be managed, highlighting the fragility of the project's legal underpinnings.¹² The DLA official who used to work with this community is reluctant to return, because she has other commitments (interview). The District Council has no staff to deploy in the community (interview) and an NGO that was doing some facilitation work there had to withdraw their field worker when his project funding dried up (Lima 2000).

By October 1998 the provincial office reported a total of 186 land reform projects on its books - 99 redistribution cases, 54 tenure security projects, 27 state land disposal projects and six inherited restitution cases (DLA KZN 1998).¹³ Most projects were still in the preliminary phase of project identification and pre-planning – land had been transferred and detailed settlement planning completed in only 15 cases (ibid). By June 2000 a total of 179,027 hectares had been transferred to 8,171 beneficiary households (DLA KZN 2000: 5). This amounted to 4,4% of the area designated as 'farming units' in the province (Statistics South Africa 1999c: 5) – a better record for land transfer than the national figure and a heavy workload for project staff, but a paltry achievement relative to the demand.

Managing Gender Policy

The intense, demand-driven nature of the pilot programme ensured that initially very little attention was paid to gender equity and women's empowerment. Officials worked with already constituted groups and existing power relations between men and women. There were only two measures for women's involvement that the DLA utilised. The first was to include female-headed

¹² For a general discussion on the problems of the legal entities set up in land reform communities, see Trench 2000.

¹³ These figures exclude the more than 14,000 land restitution claims lodged with the Regional Land Claims

households on project lists (three out of 15 in the case of Mahlabathini, none in Ntabeni, and 26 out of 79 at The Gorge). The second was to ensure that one or two women were appointed to community land reform committees. A female official described the thinking in the pilot district office thus:

To a large extent it wasn't an issue except ... there were conscious efforts to ensure women were participating in the discussions and their needs were being met. In the final reports we were trying to see this. But there were no indicators ... The Pilot Office's relation to DLA was quite removed - if there was policy at the time, it was not clear. So what we were looking at was quite shallow. At times it depended on the facilitator and the facilitator's awareness and how conscious they were about issues and their skills to encourage women to participate, things like that. At the basic level, what was required were so many female beneficiaries and so many on the Committee (interview).

After the DLA had adopted the 1997 *White Paper* and 'Gender Policy' document, this approach did not change. Speaking of her experience in the office since 1998, another provincial planner described office practice as 'basically quite simplistic - trying to see that women participate and are represented on committees.' To get a project through the Provincial Project Approval Committee, 'All you make reference to is the number of women-headed households and women participating It is not something that is discussed. I think if you did not raise it, it probably would not be raised there' (interview).

The Mahlabathini project highlights the inherent limitations of relying on the addition of a few women to committees to change gender relations. Here two women were chosen for the community committee as a result of DLA's input but neither were active members. One left to live elsewhere with her daughter while the other never regarded herself as on the committee for any other reason than to satisfy DLA. It seems she owed her nomination to the fact that her son was already on the Committee. She holds very conservative views on women's place and certainly never considered it her responsibility to champion women's interests - 'I never said a thing on the Committee' (interview). She has since dropped off the Committee, because of her advanced age, and has not been replaced. The Committee is in any case no longer functioning effectively, with the Chairperson assuming a paternalistic style as community leader.

Beyond these efforts to secure formal representation for women, the DLA's gender policy has not been actively managed in KwaZulu Natal. The 'Gender Policy' document does not feature in the induction of new staff. Work towards national gender policy goals is not specified in staff quarterly work plans, which form the basis of performance assessment. The official responsible for The Gorge, who had a strong personal commitment to empowering women, described the process of assessment as involving 'just you and your attitude at the end of the day' – 'Gender appraisal is not in your performance criteria. It's just where you come from' (interview). Very few staff interviewed had been on any specialised gender training course; most said their general training had been on the job – 'You learn as you go' (interview). While officials knew about the *White Paper*, a number were unaware of the Gender Policy document, copies of which were not readily available in either the provincial or district offices. Those who had seen the document did not consider it particularly helpful. 'I saw it a few years ago,' recalled one Project Officer. 'I saw it as normative – there were no real ways how to do anything' (interview). The absence of strong management support means that planners lack guidance and incentives to pursue gender policy objectives. Said another planner: 'Although there is a policy, the issue has some sensitivity. I am not sure really how to approach it' (interview).

Where staff have been active around gender issues, it has generally been as a result of their own initiative. This is demonstrated most clearly by the planner working at The Gorge, who started both a women's group and a youth group outside official hours, with HIV/AIDS education as a primary concern in both. In order to include women on the project committee she insisted that the community adopt a quota system whereby two women and two youth representatives had to be elected. The idea of the quota was her own – her manager, who assisted her facilitate the elections, noted it as an example of how the integration of the DLA's gender policy into the project cycle is left to individual staff members (interview). Although the planner appreciates the general support she has had from her manager, she has not found support from DLA with specific policy questions. For instance, when registering polygamous households she could not find a manual to advise her – 'You say: wow, how should I deal with this, and you have to use your own discretion' (interview).

However, although marginal to the mainstream of office activities, organisation to promote gender awareness is sanctioned as a side activity. A number of officials with a particular

commitment to the issues have participated in a national Gender Network organised by the Gender Unit. None of the managers interviewed expressed reservations about the legitimacy of the gender policy, although one complained strongly of the absence of clear guidelines that were compatible with work plans (interview). Another admitted that he had not focused on gender awareness in his team, but had assumed that staff would have 'a certain level of understanding' which they would draw on themselves. In explaining his attitude he referred to the overwhelming pressure he was under 'to focus attention on the movement of projects' and the lack of institutional support he received as a middle manager (interview). In March 2000 the office management approved the establishment of a province-wide Gender Forum, in response to one Deputy Director's concern that gender issues were not receiving sufficient attention. She was promptly given the responsibility for coordinating the Forum. When interviewed in late 2000 she thought that 'possibly' a little more space had opened for gender issues in the office but was critical of the way that responsibility for the Forum had simply been added to her other commitments (interview).

Women's Involvement in Mahlabathini, Ntabeni and The Gorge

The fact that national policy on women's empowerment and gender equity has not been a major consideration in the implementation of land reform does not mean that land reform has had no effect on women, nor that gender relations in project communities have been left untouched.

In Mahlabathini, although women were largely sidelined in the negotiations, some women took active steps to secure their household interests. One woman told how she took the initiative in the absence of her migrant husband: 'I heard that those who wanted to go back to their farms must go and enlist with Induna Majola. I called on Flominah and her husband said we were wasting our time. Then my husband came back. I told him I had enlisted and had used his name as the household head.' While for the most part the women of Mahlabathini have not openly challenged prevailing norms of female subordination, an all-women group discussion on inheritance and women's rights generated some cautiously dissenting opinions. A couple of women felt that their unmarried daughters should be able to inherit land, even though this was against current norms and practices, 'because situations are not the same and there are no jobs ... one must not let her kids suffer when there are resources.' There was also tentative interest in the idea of individual land rights for women 'because if you share with your husband you encounter

problems.’ However, working against this were ‘the countryside’s rules’ (interviews).

Development prospects at Mahlabathini are extremely poor (DLA KZN KNA/4/4/1). The community is now further from resources such as schools and shops than they were at Sahlumbe and the women regard this as problematic. Yet in comparison to their former situation, where ‘there was no firewood, burglary was rife, people randomly shooting one another’, the women are positive overall about the benefits of land reform - because it has allowed them to return to land they, along with the men, regard as the land of their forefathers, and because Mahlabathini is a safer environment, offering a more secure base from which to realise their extremely modest expectations of daily life. For them the indicators of progress are found not in large developmental ambitions but in basic social and subsistence gains: ‘We wanted to plough, keep stock, get firewood and come back to our original land.’ ‘Here you don’t worry about watching your livestock (interviews).

At Ntabeni women have been more active in the project process than at Mahlabathini, although also deferring to the overarching authority of men in households and project affairs. Here women benefited in the early stages of the project from the encouragement of a number of external agencies to participate, including AFRA, a land-rights NGO. A number of women spoke also of ‘two ladies from Durban who told us we have rights too as women, therefore we must also contribute to the struggle.’ When asked if government officials had spoken of gender equality, they recalled the intervention of one who ‘asked whether men call us for meetings and they said never, so she told them to call us. After that she told them to let us air our views, and that really occurred.’ However, lack of information and access to resources to deal with social problems on an ongoing basis are problems. In the women’s discussion group violence against women was acknowledged as ‘sometimes’ present, although there was reluctance to discuss it. Women also asked for information about HIV/AIDS, which they claimed was not a problem in their community but worried them as a hazy threat (interviews).

According to project documents, DLA wanted equal numbers of men and women on the Committee, partly to compensate for the fact that no women were listed as Trust members - ‘AFRA said that it would be the right thing for the government to have equal numbers of men and women’ (interviews). As a result four men and four women were elected to the Trust Committee. However, what is not provided for in the Trust Deed is an explicit mechanism for

ensuring that women will continue to be elected as Trustees in the future (DLA KZN, KNA/4/2/24). The Trust Deed is in any case a highly technical document, written in dense legalese, and thus unhelpful for the conduct of community affairs, as the conflict over household fields has revealed. In a group discussion the women on the Committee confessed to being uncertain of their role, although they attended meetings conscientiously. They had not thought that being committee members entitled them to take any initiative on issues. Said one: 'Since we were on the Committee, we supported the men.' Fear of ridicule for stepping outside their accustomed roles has played its part: 'We were afraid that we were going to say silly things and be laughed at, which the men used to do' (interviews).

Female participation in community affairs is mediated largely through their marital families. In the dispute that has erupted over fields and the election of a new committee, women have divided along household lines. Yet women recognise their vulnerability in relation to their husbands and, as in Mahlabathini, are interested in exploring ways in which their rights and interests might be better secured. Several women favoured the idea of joint title with their husbands. This appealed to one woman 'because men change' - 'He might decide to take a second wife or another woman and leave me but then I will be able to produce my own title deed.' According to her it would be difficult to have her own land 'so its OK that we share the land but have separate title deeds.' One woman spoke of her interest in individual land 'so that we can recognise gender equity.' On the inheritance rights of girls, the women held a range of views. Concern for the continuity and integrity of the patriarchal household if daughters inherited co-mingled with the desire to boost their daughters' life chances and recognise their contribution to household well-being. One woman thought female inheritance posed a threat to the family when the girl married. Two thought that girls should inherit equally with their brothers while another thought that girls should only inherit if they did not get married (interviews).

Despite the problems facing the community in 2000/2001, the women of Ntabeni also thought land reform had made a positive contribution to their lives. Although the promise of making a secure living off their land had not yet been realised, they felt they were much better off having their own land than they were as labour tenants where 'We were very oppressed.' Their assessment of land reform is thus guardedly positive: 'Our expectations have been met, but we still have a problem with the fields and a tractor' (interviews).

At The Gorge title had not been transferred at the time of the interviews, so the verdict was still out on land reform – 'Things are not clear, yet, so you can't recommend it,' explained one woman. Nevertheless women have displayed a strong interest in the outcome by attending meetings - the minutes show that they regularly outnumber men at community meetings (DLA KZN KNA/7/1/3) - and by signing up their households as beneficiaries. However, they have been reluctant to play too active a role publicly. One woman reflected that separate meetings for women were important 'because we are free to speak if there are no men' - 'Even we as women gossip if a woman has been vocal at a general meeting' (interview). As in the other projects, the women interviewed were interested in the possibilities of joint land rights with their husbands, while some supported inheritance rights for their daughters. One woman thought that 'the one who is responsible' should inherit, noting that girls were generally more responsible than boys (interviews).

The project is interesting as an example of one official's conscious efforts to insert a 'gender agenda' into the process. Until July 1999 gender issues received little attention. Apart from noting the number of female- and male-headed households, early project records relied on unexamined concepts of household, family and community to describe project dynamics (DLA KZN KNA/7/1/3). Once a new planner assumed responsibility in mid 1999, this changed. She tells the story of how women insisted on providing their husbands' ID (identity) numbers, even when they listed themselves as beneficiaries (interview). One consequence was that Department of Home Affairs computers kept rejecting the names when authenticating the lists. It took several meetings to persuade the women to use their own numbers. However, at least one still regarded her registration as nominal: 'I am listed as the household head because my husband was not around when registration took place. But as he is my head, I still report everything to him' (interview).

The official's efforts to get women elected to the Project Committee encountered strenuous resistance locally. The DLA was not involved in the process whereby the Tribal Authority chose its representatives - 'We explained we would like to see democratic principles applied but we could not dictate' (interview) – and their contingent included only one woman. In the residents' process, however, the planner insisted on the quota of two women. It took several rounds of general and women-only meetings before 'two women only were nominated and we said that in terms of the agreement they had to be appointed.' The men's response was 'very impatient'

(interview). The planner has experienced particular problems with the Tribal Authority which 'used to talk in a very derogatory way about me, like: that girl from DLA. ... You could see in their faces that they are thinking: this girl is speaking about land, which is not her business.' Over time she developed strategies to deal with this but they involved compromises 'all for the sake of the project proceeding' – 'I have resorted to complying in a way. Whenever I experience problems and see a dead end, I rely on male members in my [DLA] team ...' (interview).

BUILDING ON THE LIMITED GAINS

The previous discussion confirms the disjuncture between principle and practice in the implementation of the DLA's gender policy, highlighting the dense web of constraints that have hampered effective implementation while also suggesting that within specific land reform projects women have made some limited gains. This concluding section looks briefly at some of the limitations and gains and the implications for future policy development and practice.

Limitations

In accounting for the limitations of DLA's gender policy, external constraints have been shown to be significant. These include the relative unimportance of the land reform programme in the ANC's macroeconomic policy and political preoccupations, the prioritisation of 'race' as a vector of inequality, the absence of a strong women's movement to raise the political stakes around gender policy, along with the sheer complexity of the issues confronting the DLA and the persistent power of the past. All of these factors have limited the general reach of the programme and blunted its ability to target poor, rural women as a specific category of beneficiaries. However, within this context, internal constraints have played a major part as well. In addition to the conceptual and operational problems with the DLA's gender policy described above, elements in the design of the broader land reform programme have also proved restrictive from a gender point of view - in particular, the project cycle approach and the demand-driven nature of the programme.

Under pressure to improve the throughput of projects, the DLA has, over the years, worked very hard to standardise land redistribution in terms of a project cycle, conceptualised as a series of phases, each with its specific requirements and milestones, through which all projects must pass.

In this sequence of steps there is relatively little space for improvisation. The approach to land reform has become increasingly technicist rather than transformatory - for many managers and project staff, a series of steps along a route map to a fixed endpoint, which is the transfer of land to people and development budgets to local government.

Clearly, to manage the day-to-day tumble of its work the DLA requires systems and procedures. However, if gender equity is to be a primary commitment, the preoccupation with technical milestones becomes inhibitory. The process is not amenable to extensive discussions and careful facilitation around issues as complex as the rights of women within land reform projects – this is likely to be an even greater problem in future tenure reform cases on communal land than it already is in redistribution projects. The relative inflexibility of the project cycle also means that issues cannot easily be revisited in the light of new experience and insights once people are settled on the land - for instance, to introduce separate plots for women, or revise the budget allocation, or review the legal framework. Yet, in the words of one official: 'People are not always ready for discussions at the time when they are scheduled or required - it is only once they move on to the land that they realise' (interview). The pressure on DLA to exit as early as possible after land has been transferred, combined with the lack of capacity in other government departments and the NGO sector, also means there is little or no developmental support for land reform projects once DLA has moved on. This puts at risk those limited legal rights and social gains that women may have achieved.

'Social process' work is difficult, time-consuming and also expensive. Requiring consultants to hold separate meetings for men and women, for instance, requires larger budgets; prolonging the process pushes up internal costs and makes staff and managers vulnerable to complaints about project delays and laxity in meeting national targets. Yet, as the case studies make clear, an extended social process is essential if the DLA's gender policy is to serve more than a largely rhetorical function. The process of establishing legal entities can itself not be hurried if DLA wants to ensure a minimum level of understanding among beneficiaries to sustain the new structures once the officials have withdrawn. The challenge is even greater if gender equity is one of the requirements.

This is not to discount the importance of government becoming more efficient in its interventions, but to warn against the speed at which formal requirements are met being elevated

to a measure of 'good' land reform. The delivery of land to people who do not have the social and economic resources to manage or develop that land is at best a short term solution to the pressures on government to 'deliver' land reform. Policy development and public political education have to engage with the intractable trade-offs between prioritising outcomes and prioritising process if land reform is to address broader developmental objectives, including gender equity.

The demand-driven approach that has been a cornerstone of the programme since 1994 is another brake on the realisation of gender policy goals. Initially, as the KwaZulu Natal pilot programme showed, the popular demand for land reform had a strong element of redress to it and far outstripped the capacity of the programme to respond. The state's programme, however, conceptualised 'demand' essentially in terms of the market - of matching would-be buyers of land with would-be sellers, and not itself intervening in the market to acquire land through expropriation or purchase. This approach has been carried through into the new policy dispensation, albeit with different policy objectives, with the justification again couched in the language of beneficiary preference and control (Ministry for Agriculture and Land Affairs, 2000: 9).

Since 1994 land-sector NGOs and analysts have strongly criticised the government's insistence on a demand-driven programme, because it has restricted the potential of land reform by rendering the state reactive to external forces, rather than proactive in acquiring good land for redistribution on a scale that would transform segregated settlement patterns and boost economic opportunities for the poor (See McIntosh *et al* 1999: iv). Less attention has been paid to the consequences of a demand-driven programme for gender policy. A strictly demand-driven programme conflicts with the special targeting of women envisaged by the *White Paper* and other high-level policy documents, because it overlooks the way in which power relations and divisions within communities structure how the 'demand' gets articulated and by whom. It commits the state to responding to applications from already constituted groups, in which it is likely that women's role will be a dependent one.

Gains

DLA's most tangible achievements in relation to women's land rights thus far have been at the

formal, constitutional level. This is not insignificant - it encourages community debate on the issues, as at The Gorge, and has the potential to create a more positive environment for women within projects, as at Ntabeni. There are interesting parallels with the constitutional gains made by the women's movement at the national level, where in many ways the principle of gender equality is far in advance of social reality yet creates a space for women to advance claims in other spheres. However, this is also where the limitations of the achievements and conceptualisation of gender policy become exposed. Women's presence on land reform committees does not translate automatically into greater influence for women within projects, nor is the longer-term involvement of women in the management of community and household affairs assured.

In this context, the degree of satisfaction women in Mahlabathini and Ntabeni express with the relative gains they have made through land reform, in comparison to what they experienced before and the alternatives, is noteworthy. Clearly land reform has offered women very little in terms of major developmental gains and new economic opportunities. However, women in these poor communities experience the security of tenure that has been achieved, along with the improved access to very basic resources, such as water, wood, and thatching, as positive. Land reform has provided them and their families with a base for modest material advantages compared to their former situations, which augments on-going livelihood strategies. It has also enhanced less tangible but valuable feelings of identity, of belonging - perhaps even, dimly, of citizenship.

Until recently DLA has based its land reform programme on a model of a relatively homogenous community made up of stable and implicitly egalitarian households. A major consequence has been that women have not gained individual rights in land in the first phase of land reform. Even where they have been listed as independent household heads and as beneficiaries, their access to land has been mediated overwhelmingly through their participation in patriarchal households. As many of the women interviewed in the case studies recognise, this leaves them vulnerable to losing their access to that land if their marriage breaks up. Furthermore, the land rights that women have obtained as listed beneficiaries or members of beneficiary households have not been secured for the next generation of women, because of patriarchal inheritance systems, which favour sons over daughters. While interviews revealed evidence of some support for women inheriting land, including among some men, this is by no means widely sanctioned and project

constitutions do not provide for it.

Because of this and because of the conceptualisation of gender equity in terms of individual rights, some gender activists have supported the call for independent land rights for women as a major goal. (See, for instance Sunde 1996 and Hargreaves and Meer 2000.) For this reason, the new LRAD programme is seen to hold out some possibilities for women, even though there are concerns about its class bias and the limitations of a development strategy that is tied so narrowly to agriculture. However, this research suggests that the focus on individual rights for women needs to be tempered by a deeper appreciation of the importance of household membership in poor women's lives – women's rights to household resources should be an important component of policy development and advocacy work as well. It should be clear that had the LRAD policy been in place from the start of the land reform programme, very few, if any, of the women of Mahlabathini, Ntabeni and The Gorge would have accessed land through it as individuals – they are too poor, too isolated, too dependent on male authority. Furthermore, many women beneficiaries endorse DLA's household model. In the communities studied, women have been active in securing household interests. While a minority were interested in the idea of independent rights in land, delinked from that of their husbands or families, few saw this as the solution to their problems. They were more interested in mechanisms for securing, even extending, their rights within their households, including through such mechanisms as joint title and individual copies of title deeds.

Clearly most women have not had the opportunity to consider individual land rights as an option, and fear the consequences of social disapproval. However, what the women in the case studies are signalling is that they do have strong interests in household and community rights in land in themselves, which should be protected. The relationships within rural households are complex and multi-dimensional - and increasingly vulnerable to dissolution in ways that do not necessarily enhance women's life chances. The impact of HIV/AIDS is set to exacerbate this problem. While the patriarchal household may be a site of oppression for women, it is also a source of identity and support, providing membership in a social network that is often the only effective resource poor women have. The Mahlabathini example, in particular, illustrates the value of household and community bonds and networks for the survival and (relative) well-being of very poor people, which is consistent with the general literature on the 'multiple livelihoods strategies' of the rural poor. Supporting a more gender-equitable reconfiguration of these ties,

rather than a politics of withdrawal from patriarchal institutions, seems as important as promoting individual rights for those women for whom that is an option (whether out of choice or circumstance).

Land Reform as a Beginning not an End

Finally, what needs to be remembered is the untidy intersection between government policies and larger processes of social change. An uneven and unpredictable process of social change is underway in rural areas, which is rearranging the contours of gender relationships and creating new spaces from where women's claims for stronger land rights may be advanced. The ebb and flow of women's participation in community affairs in Ntabeni exemplifies this process. It is difficult to work with these dynamics within the timelines of land reform, especially as currently conceived. They cannot be neatly contained within the project cycle, nor contracted out to consultants for managing, nor instructed by Ministers. Nevertheless, they can be encouraged by interventions that promote gender equity as a social ideal and incorporate women into the process of shaping land reform.

Linked to this is the importance of developing a stronger analysis of gender and land reform through research, debate and interaction between government and civil society. There is an important role here for land-sector NGOs and analysts to operationalize their own commitments to 'gender equity' and, in the process, move beyond merely criticising policy shortcomings at a relatively high level of abstraction. The point is not to refine ever more sophisticated understandings of gender and gender relations as an end in itself. Rather, it is to develop an analysis that better links theory, policy and practice, to inform a more strategic politics of land reform - one that sees 'piety in the sky' making way for practices that advance the demands of the marginalized for a place on the ground, not as an end of development but as a beginning.

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Interviews

A full list of interviews is contained in Walker, 2001a.