



Cape Peninsula
University of Technology

LAND RIGHTS IMPLICATIONS FOR RURAL WOMEN OF XOLOBE AT INTSIKA-YETHU MUNICIPALITY IN EASTERN CAPE, SOUTH AFRICA

by

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Thesis submitted in fulfilment of the requirements for the degree

Doctor of Technology: Public Management

in the Faculty of Business and Management Sciences

at the Cape Peninsula University of Technology

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District Six, Cape Town

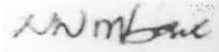
Date submitted: November 2022

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ABSTRACT

Land is perceived as a necessary resource that enables human beings to have access to shelter, food and human dignity. However, it has been established that women have been historically disadvantaged from accessing land in sub-Saharan Africa, including South Africa. Consequently, this study investigated land availability, accessibility and availability to rural women of Xolobe including their awareness of their land-related rights. Furthermore, the study aimed at understanding land related challenges confronted by rural women. In investigating this phenomenon, a mixed research (quantitative and qualitative) method was used. A non-probability sampling method was applied in this study in form of purposive (qualitative) and convenience (quantitative) sampling approaches. The qualitative aspect of this study was obtainable from six interviews held with government officials, traditional leaders and ward councillor who are involved in land management (purposive) in this rural area. While, the quantitative aspect aimed obtained data from willing participants above the age of 18 years as a sampling frame for the study. The sample size of this study was composed by 314 respondents and participants. This was obtainable from 308 survey questionnaires and 6 interviews conducted. The obtained data from the survey questionnaires were analysed making use of inferential statistics (univariate and multivariate analysis). While, the received data from the interviews were analysed making use of a content analysis. The study found that most respondents (quantitative approach) showed awareness of land related issues in their community but not land rights policies of women in South Africa. Seemingly, rural women of Xolobe never attended any land policy related meetings in the area and land related decisions are mostly dominated by men. This was confirmed by land managers at Xolobe through interviews (qualitative) where the participants indicated that rural women do not participate in land policy meetings. The land managers, however, emphasised that women in the community are not discriminated against by traditional practices in accessing land, but it was indicated that rural women are landless as only a few apply for land ownership in the area. This may be due to lack of resources necessary for maintaining and using land for survival. The study found that land related access in rural communities follows communal policies, which are not recorded. Therefore, this study is of significant as it brings coinciding results in the availability of land for rural women in South Africa. Previous land related studies in South Africa found access to land for women to be a challenge. While, this study found that, it is the women that show no interest in land ownership and policy development. Therefore, knowledge gained from this study might be useful in informing policy developers in their decisions when they formulate and revise land policies in government and other organisations in South Africa that deal with land issues. The study suggests that rural women be engaged in land related matters in rural communities. Availability of resources, including training on managing land in rural areas, is

paramount in alleviating poverty in these areas. Further research related to land access and ownership in other villages of Intsika Yethu Municipality in the Eastern Cape, South Africa and other sub-Saharan African villages will be relevant in investigating contrasting or similar issues. This will afford an opportunity for these areas to track and trace possible approaches to curbing the stubbornly high poverty rate in rural areas across sub-Saharan Africa, South Africa and other developing countries.

Key terms: Rural women, land ownership, land access, land availability, Xolobe, South Africa

ACKNOWLEDGEMENTS

I wish to thank:

- God, thank you my God for your kind guidance and grace.
- Professor Lawrence Obokoh, my supervisor, thank you for picking me when I was orphaned with no parent. Thank you, Professor for your soft voice, wise and calm attitude while guiding a nervous character. Your input, advice and guidance improved my writing skills.
- Dr Ogunlela Gabriel for reviewing and sourcing useful materials for the work.
- Cape Peninsula University of Technology officials: thank you to everyone who touched my work, from administrators to leadership at large. I appreciate your efforts in taking this work forward throughout the system.
- Professor S. Mishi (Statistician), thank you for statistical input to this study and lending assistance although my finances were not that good. All is appreciated.
- Professor, I.O. Ezeuduji, thank you for guidance as a short-term co-supervisor. I learnt to crawl and walk in that short period. I thank you so much for encouraging me to contribute as co-author of the book on land governance.
- My children (Thandokazi and Thabiso), I thank you for supporting and encouraging me to continue with education at this age. A special thank you to Thando for the time to time editorial and formatting efforts to ensure success of this work. This is sincerely appreciated.

DEDICATION

I dedicate this thesis to

My family members: late Nomdlobhoyi Jeannette Mbane, late Qweshe John Mbane, late Nomboniso Mbane, late Leonard Siphon Mbane, late Mirriam Nomasomi Mbane, late Nomalizo Mbane, late Rev Siphon Horace Ndizana, late Gubevu Headman Mbane, Daphney Nobuntu Mbane, late Nokhala Gregory Lungile Mbane, Zabheni Agrippa Mbane, late Siziwe Mbane, late Nobesuthu Eunice Mbane, Thobeka Mbane, Summer Siyanelisiwe Mbane, Bulelani Mbane with all his children and My precious children: Thandokazi, Thabiso, Jamie Weldon, Luvuyo (late), Mpumelelo (late), Anele, Indikhumbule, Yolani, Yololwethu and Ukhanye.

I thank the Mighty Lord; the God of Power for giving me this family and a chance to complete this work, wow! It was not an easy journey. **“Siyacamagusha, kube chosi kube hele”**.

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ABBREVIATIONS AND ACRONYMS

AA	Administrative Area
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CLaRA	Communal Land Rights Act 28 of 2004
COVID 19	Coronavirus disease
CPA	Communal Property Associations Act
GDP	Gross domestic product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
LADM	Land Administration Domain Model
OHCHR	United Nations Declaration of Human Rights
PTO	Permission to occupy
RDP	Reconstruction and development programme
SA	South Africa
SAHRC	South African Human Rights Commission
SD	Standard deviation
SDGs	Sustainable development goals
SSA	sub-Saharan Africa
STATA	Stata Statistical Software
Stats SA	Statistics South Africa
STDM	Social Tenure Domain Model
TBVC	Transkei, Bophuthatswana, Venda, Ciskei (states)
UNDHR	Universal Declaration of Human Rights

GLOSSARY

Gender	Gender refers to the roles, duties and responsibilities which are socially and culturally recognised to men, women, girls and boys (South Africa, Department of Women, Children, and People with Disabilities, 2013b:3).
Gender inequality	According to Masango and Mamfene (2015:628) gender inequality is a system that limits women in accessing resources in public and private spheres through giving women home and childcare responsibilities.
Land redistribution	Land redistribution is the programme that designed to distribute land to poor and disadvantaged people for their livelihoods (South Africa, Department of Land Affairs, 1997:7).
Land reform	According to Akinola (2018b:3) Land reform in Africa was a programme established to address the problems related to unfair, dispossession and inequality created by colonial states.
Land restitution	Land restitution is a programme developed to claim the lost land that was dispossessed by the past discriminatory laws (South Africa, Department of Land Affairs, 1997:7).
Patriarchy	Patriarchy as a gender system developed to allow men to have power over women and children as it gives men privilege to control productive resources and men use their power to transfer their inheritance to their sons, while their wives and children to provide them with labour (Kalabamu, 2006:238).

CHAPTER 1

INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction

Land is a valuable natural resource that provides essential needs to human beings. The essential needs, among others, that land provides include shelter, food, and human dignity. Over 60% of women in Southern Africa depend on land for their living (Mutangadura, 2004:2). Land is a necessary resource that can improve the living status of people, especially women in the rural areas, who depend on land to provide food for their families. Rural women have been using land for centuries to build their houses, to host community meetings, traditional events, farming, and other domestic activities (Moyo, 2013a:5393). According to Tengnas (2012:99), land is vital for the achievement of various human rights that include right to property, health, improvement of standard of living, equality, economic, social, and cultural development and. carries a status of identity, heritage, economy, agriculture, and social development. Hence, South African societies regard access to land as an important resource (South Africa. Department of Rural Development and Land Reform, 2019:10).

Land ownership in South Africa is managed through land tenure system, which is categorised into two systems: (1) privately owned rights and (2) communal land rights. Privately owned rights are held in urban areas and in commercial land, while communal rights are held in rural areas. The South African land tenure system for privately owned land covers approximately 70% of land, while the land tenure system for rural areas covers about 14% of land (Graw, Ghazaryan, Dall, Gomez, Abdel-Hamid, Jordaan, Pirooska, Post, Szarzynski, Walz & Dubovyk, 2017:2). The inequalities in land distribution resulted from the colonial and apartheid systems that designed racial laws with the intention of preventing African people from buying, leasing, and owning land in areas that were particularly designated for Whites only. The Land Audit Report (2017) indicates that, to date, land ownership in South Africa still lies in the hands of Whites, who own 72%, while Coloureds own 15%, Indians 5% and Africans only 4%, with other races owning 3% and 1% co-ownership. That made accessibility to land and ownership difficult for majority of Africans. The rural areas of South Africa cover land in the former homelands, which are communal under ownership of the state and the power to control these areas remains in the hands of traditional leaders. The management of land in traditional societies has been structured through gender relations that dictate who should manage resources. The

exclusion of women from productive resources such as land and services has been a concern that affected women throughout the world (Harcourt, 2012:84).

Land expropriation is an unsolved political issue that is still being debated in South Africa. The handling of land expropriation in South Africans have opposing views; some people are of the view that land should be taken back without compensation while others disagree. Some people consider expropriation of land as a solution for equity purposes, arguing that land expropriated may be distributed to women and other historically disadvantaged groups. Land expropriation without compensation was suggested by politicians, activists, and policymakers as a tool to distribute land to South African citizens at no cost (Mubecua & Nojiyeza, 2019:8). The proposed land expropriation is seen as solution to resolve the problems of land inequality, poverty and unemployment that are the problems confronting South Africans. Other South African citizens are unhappy about land expropriation. Others feel that land expropriation may cause damage to the relations among the citizens which may lead to civil wars. Land expropriation is supported by the South African Constitution without compensation in section 25 to achieve transformation on land, water, and other related reforms (South Africa, 1996a).

Land accessibility challenges are not experienced in South Africa only. According to Iruonagbe (2010:206), traditional women in patriarchal societies in Africa had limited rights to land. Muchomba, Wang and Agosta (2014:98) add to the notion that in Kenya most women do not have the right to own land but have access to land through male relatives and that the government of Kenya has land regulations that existed since 1971 to approve ownership of land for both men and women. However, practically, women are underprivileged like in the colonial and patriarchal systems. The land rights of Kenyan women are affected negatively since land ownership still favours males. The exclusion of Kenyan women from inheritance of land is said to be the cause for many grievances by women who defend their land rights (Muchomba et al., 2014: 98).

In Malawi, as in other African states, women are discriminated against in accessing land. Tschirhart, Kabanga and Nichols (2018) assessed the effectiveness of gender equality on the National Land Policy of 2002 in Malawi. Their study investigated local customary practices with regard to women's access to communal land. The authors cite that since 2002, the policy on land in the country has been transformed in a manner that improves land management to give equal opportunity of inheritance of land to both males and females. Tschirhart et al. (2018:3) state that the Constitution

of Malawi prohibits all legislation that discriminate against women. The Malawian Constitution supports equal inheritance by both males and females (Tschirhart et al., 2018:6). The authors further state that kingship traditions are observed, which define the land access of both males and females in communal tenure depending on which ancestral marriage is followed by that family. However, Tschirhart et al. (2018:13) concluded that women in Malawi struggle to own land because of traditional practices which, in the matrilineal communities, may not permit; women's inheritance whereas women living in patrilineal communities may have a better chance to benefit from land.

Meanwhile, in Rwanda, historically, the communal land rights were enjoyed by men, but since 1970 discriminating laws were revised to give access to land and property ownership to all people, including women (Bayisenge, 2018:589). Rwandan women, in the past, were only permitted to have access to land through their male relatives. According to Bayisenge (2018:590), most women in Rwanda since 1994 became household heads because of death related to the genocide, HIV/AIDS and imprisonment of males. Bayisenge (2018:590) argues that while land laws and policies in Rwanda encourage inclusive involvement of women, there is no enforcement of these laws since cultural practices continue supporting dominance of land by males. The author states that the Rwandan law encourage inheritance of land by both males and women and also allows married women to inherit land at their homes and land after the passing away of their husbands. According to Bayisenge (2018:591), feminists view access to land for women in two ways. The first view is that feminists oppose gender inequality since they propose land rights approach to offer women with rights through legal reforms and statutory system be offered land rights. The second view is that feminists see the customary system as good to provide women with rights to land as they may permit different forms of access and they have been historically adopted to boost the economy. Bayisenge (2018:602) found that in the customary system, some women are not aware of land legislation and their rights to land since they cannot exercise their rights. Bayisenge (2018:602) also found that unequal power relations in the communities in rural areas contribute to the non-participation of women in land matters because women, in terms of culture, are not allowed to talk in public.

In South Africa, single women in some areas of the former homelands do not have the privilege of getting residential land under customary law because in the apartheid system people who qualified for residential land were males (Claassens 2013:71). According to Ainslie and Kepe (2016:28), traditional leaders in South Africa tend to

use cultural power to discriminate against women. With the political changes of 1994, the South African government revised its laws and policies to bring equal opportunities of engaging all citizens, including women, to partake have access to natural resources such as land.

The Reconstruction and Development Programme (RDP) was identified as an approach to end racial divisions, encourage equal participation, and improve the standard of living for all South Africans. The South African Land Rights Policy of 1997 was designed to redress the unequal distribution of land created by the past unjust laws and policies. Land policy was implemented in three phases as redistribution of land, tenure reform and restitution programmes. Land redistribution was intended to distribute land to poor and disadvantaged people for their livelihoods, while land tenure reform was meant to secure tenure for all people to occupy land and land restitution was intended to recover dispossessed land caused by the past discriminatory laws (South Africa, Department of Land Affairs, 1997:7). Additionally, the land policy encourages participation in decision making by the local communities, support gender equity and attainment of economy when land reform programmes are implemented.

Women, as a historically disadvantaged group, tend to suffer extreme poverty because of their exclusion from accessing productive resources, including land (Moyo, 2014:5999). Without access to land and resources, women struggle to get their own food and resort to buying from supermarkets, while they could get some of their food from their gardens (Akinola, 2018a:12132). They could also have the chance to build their homes or give their children better education if their economic status were not low and they would not be depending on other people for survival. Moyo (2013a: 5393) states that while land is a socio-economic resource that is essential for the livelihood of people living in rural areas, South African women continue to be marginalised during the formulation and implementation of policies as well as in decision-making on land issues influenced by patriarchal traditional practices that take traditional values seriously. People who live or use land that belongs to other people have limited right to claim the property or land. Consequently, accessibility to land plays a key role in the development of the lives of rural people who live under poverty to improve their standard of living (Ozoemena, 2018:23). Land is an important resource for both men and women and the privilege of use reduced when rural women are not allocated land or have no access to it.

This study examined rural women's understanding of the importance of land, extent of rural women's awareness about land legislation and women's land-related rights at Xolobe rural area under Intsika Yethu Municipality. The study further explored whether the rural women of Xolobe own land or have an interest in owning land. Furthermore, the study investigated the inclusion or exclusion of rural women in related matters. The study adopted a combination of feminist, critical and positivist research paradigms to explore issues about women and their rights to land. Hesse-Biber (2012:22) states that feminist researchers are concerned about oppression of women since, in their research, they sought to show social transformation and social changes. The Feminist approach is a suitable approach for this study since it sought to understand the experiences of women regarding land discrimination that occurred on their lives. This approach makes it possible to reveal determine problems experienced by rural women of Xolobe on land matters. Among many feminist approaches that are available, Marxist feminism is the relevant approach for this study. Marxist feminists argue that gender inequality is the result of capitalism which, is both a form of domination and oppression (Seneviratne, 2018:190). Critical theory intends to expose unfair structures in institutions with the aim of reforming policies and laws for recognition of equality, justice, fairness, equal distribution of resources and empowerment of people (Kekeya, 2019:31). The positivist paradigm considers components related to objectives, logic, tasks, and instruments relevant to the area of investigation (Terre Blanch, Durheim & Painter, 2014: 503). According to Kekeya (2019:27), positivism research considers the nature of understanding and attainment of knowledge through use of the quantitative method (Kekeya, 2019:27). Therefore, this study considers these theories suitable in achieving the set-out objectives. This study intends on adding to the body of literature related to land related matters and inclusion of rural women in South Africa. The problem identified in this study is discussed in the section that follows.

1.2 Problem Statement

The land reform programme was intended to help redress the unequal distribution of land created by the past unjust laws and policies to assist communities from both rural and urban areas to overcome the landlessness of South Africans. The intention was to assist people overcome poverty as well as contribute to economic growth. However, Macanda (2014:49) describes the rate of progress in Intsika Yethu Local Municipality as very slow, thus making people living in the rural area struggle due to challenges related to poverty, high unemployment, and underdevelopment. Macanda (2014:46) argues that lack of housing subsidies in Intsika Yethu Local Municipality is

not a challenge for rural areas only, but rather a problem that affects all urban areas. Land is a socio-economic resource that is important for the livelihood of people living in rural areas (Moyo, 2013a:5393). In rural areas, women are faced with exclusion from engaging in land related matters, especially when it comes to decision-making before and during policy formulation, implementation, and other land matters due to traditional practices and beliefs (Moyo, 2013a:5393). That means that the rights of women are neglected and their participation on land matters and land rights are also affected. For women's needs and interests to be heard, it is important that in the formulation of policies women be consulted to voice their needs on issues that directly affect them in their societies. The rural women are unable to challenge the traditional norms because they were taught to respect them and to submit to the elders and men by the gender norms. This attitude place women in a weak position for they are unable to develop their conditions in relation to the economy, socially, politically and in life generally. In rural areas land is managed by traditional leaders who are conservative and have been operating on men's power and control over land ownership.

Access to land is a human right and it is necessary for rural women to exercise their rights in land matters. Women become frustrated when there is not enough food in the family because it is mostly their responsibility to ensure that there is always enough food in the household. Women are required to ensure that their children have clothes, good health and are well educated (Macanda, 2014: 49; Moyo, 2013a: 5393). Land is the main resource available in rural areas from which women can make a living and be able to reduce poverty. Poverty remains high particularly in rural areas and food security is the biggest challenge for many households in South Africa (Abdu-Raheem & Worth, 2011:91). Poverty is the cause of lack of basic capacity to participate effectively in society leading to no food, no clothing, non-attendance of school and reduced standard of living. Rural women of Intsika Yethu are unemployed due to lack of education and inadequate job opportunities in rural areas.

This study explored the issue of land access for rural women of IntsikaYethu Municipality in Eastern Cape, South Africa. Studies conducted by Akinola (2018a), Chigbu, et al. (2019), and Tschirhart et al. (2018) explored the issues of marginalisation of women on land rights in other parts of sub-Saharan Africa (SSA), specifically in East and West Africa. In the case of South Africa, a few studies have

been conducted on women's rights on land matters., Therefore, this study attempted to address this gap.

1.3 Rationale and significance of the study

There is limited data available that address rural women's land rights and their experiences of oppression are unknown for the rural areas of IntsikaYethu Municipality in Eastern Cape, South Africa. Through this study and use of feminist research method, careful attention is highlighted on women's experiences of oppression in their social life and economic lives. The study identified that women in this rural area of Xolobe are not discriminated against in land related matters and that there is availability of land (land is available for farming and business activities). Although it appears that land is available in this area, majority of women in this area do not own land. Those, that own land appeared to have inherited it from their late husbands and late sons. Furthermore, the rural women of Xolobe do not feel to be part of land related policy making and decisions. This however, was argued by land allocators in the area, that women in this area do not attend meetings related to land in this area. Therefore, this study is of significant as it brings coinciding results in the availability of land for rural women in South Africa. Studies from Moyo (2013a); Moyo (2013b); Njoh and Ananga (2016) found access to land for women to be a challenge. While, this study found that, it is the women that show no interest in land ownership and policy development. Therefore, knowledge gained from this study might be useful in informing policy developers in their decisions when they formulate and revise land policies in government and other organisations in South Africa that deal with land issues. This is to ensure that gender equity is addressed when policies are formulated, implemented and that all affected people are consulted during the policy-making process. Revealing the challenges that affect women on land matters might produce alternative approaches that could assist policymakers to seriously consider women's rights to land.

1.4 Aim, Research Questions and Objectives

This section provides the aim, research questions and the objectives of this study.

1.4.1 Aim of the study

This study examines the land rights of rural women of Xolobe in Intsika Yethu Municipality in Eastern Cape, South Africa, with the intention to explore how land resources could assist rural African women to make a living out of this important resource and further explore women's experiences of exclusion on land matters.

1.4.2 Research Objectives

From the research problem discussion, the following research objectives were developed:

- To investigate whether rural women of Xolobe in the Intsika Yethu Local Municipality are aware of their land rights.
- To ascertain the challenges facing rural women of Xolobe in the Intsika Yethu Local Municipality on land matters.
- To examine the measures that are in place to increase the capabilities of rural women to harness land rights in Xolobe in the Intsika Yethu Local Municipality.
- To investigate whether there are empowerment programmes designed to enable rural women of Xolobe under Intsika Yethu Local Municipality to participate in the development and implementation of land policies.
- To ascertain if there are approaches that can assist rural women of Xolobe under Intsika Yethu Local Municipality to make sufficient living out of communal land.

1.4.3 Research Questions

The research questions were as follows:

- To what extent are rural women of Xolobe in the Intsika Yethu Local Municipality aware of their land rights?
- What challenges do rural women of Xolobe in the Intsika Yethu Local Municipality face in land matters?
- What measures are in place to increase the capabilities of rural women to harness land rights at Xolobe in the Intsika Yethu Local Municipality?
- What empowerment programmes have been designed to enable rural women of Xolobe in the Intsika Yethu Local Municipality participate in governing policies on land?
- How can access to land resources assist rural women of Xolobe in the Intsika Yethu Local Municipality to make sufficient living out of communal land?

A brief review of literature related to this research is discussed in the following section.

1.5 Brief review of literature

This section reviews the literature mainly from books, academic articles, newspaper articles and policy documents for an overview of scholarly debates about land rights of women in rural areas.

1.5.1 Gender and access to land in Africa

Chigbu, Paradza and Dachaga (2019) conducted a study on land rights of women in SSA with a focus on Southern Africa, case of Zimbabwe and West Africa, cases of Ghana and Nigeria. Through this study, different experiences of women in land tenure were identified in the three countries in SSA to suggest improvement for land tenure policies. The study suggests that there is a need to include gender issues when land tenure policies and programmes are designed since women hold different status and different needs when it comes to land requisition. The authors state that securing land tenure and access to land is important for women as it offers them an opportunity for food production, shelter, and development. They found that differences exist between women towards their needs for land, which depend on the type of land women use or own such as health status, marital status, education level, stage in the life cycle, inheritance regime, and residential areas (such as rural, urban or peri-urban). They mention that women in SSA with resources are more likely to buy land for farming and increase their investments in land while women without resources may struggle to get land as they lack knowledge and awareness of land businesses. The level of education has also been identified to have an influence on how women may enjoy rights to land since educated women are more likely to have secure tenure than women with no education. Moreover, women's access to land also depends on location of land that has to be distributed. For instance, with communally owned land, women struggle to get land because of restrictions held by cultural practices. The authors suggest that women's issues on land should be considered by looking at class and status that represent women at home, community, politics, social cultures, organisations, and institutions. In their study, they recommend that development practitioners allow women to voice their problems to know what prevent them from accessing land and add that the challenges may be useful in developing alternatives in formulation of several policies. Furthermore, they recommend training of women to assist them participate during policy formulation on land tenure. The knowledge about the challenges and experiences of women can help to address their needs instead of developing policies that ought to be good for women while their actual needs and wishes are misguided. To give clear

gender direction on land, the authors advise policy makers to get knowledge about different challenges that occur on women's lives as unique individuals.

Njieassam (2019) conducted a study on the land rights of indigenous women in Cameroon. The author confirms that indigenous people all over the world are discriminated against in access and ownership of land. The causes of exclusion of indigenous women are said to be based on lack of recognition by the government and customary laws that have low expectations from women. Indeed, the belief that places women as having no ability to control resources leads them to continue being poor as most food is produced on land. The author argues for the inclusion of indigenous women and revision of policies to ensure that indigenous women also benefit from land resources to help reduce poverty amongst women. The customary law in Cameroon forms part of the legal system for the protection and practice of the culture of indigenous communities in the country. It is said that land in the African context is a common resource that was regulated in the past by fathers. Land resources were distributed with great care to make sure that it remains available for the future generations. The chiefs in control of land allocated it to families according to their needs. Although, women were able to access land for food production, nevertheless, decisions over land were assigned to men since the males dominate land matters.

Akinola (2018b) examines the traditional African practices, culture and gender inequalities that influence the land rights of women in post-colonial Africa. The author confirms that there is inequality in the distribution of resources related to gender division of labour that favours men and disadvantages women in post-colonial Africa. This study found that property rights in the African culture are dominated by males because customary laws are based on the patriarchal system. The author suggests a transformation in the traditional culture system and equal partnership in land for the development of women.

Land rights, in most countries, have been managed using systems that exclude the underprivileged people and those who lack formal education from accessing land rights (Gilbert, 2013:115). Property rights in Africa are associated with racism since these rights were made to be obtainable on the basis of race (Ramutsindela, 2012:753). According to Gaddis, Lahoti & Li (2018:2), there are gender gaps in land and property ownership which, in most African countries, is generally owned by men while women hardly have ownership to property. The exclusion of women from property ownership affects them since they become

powerless to make decisions within their families as they have no claim to land. For women, land is the main source that they rely on as there are no formal markets in the rural areas.

In South Africa, land complications are related to colonial and the apartheid system that used different land administration systems in distributing land, which are privately owned and communally owned. In the South African land tenure system, private and ownership was distributed to minority (Whites) and available in urban areas, while communal land ownership was available to the majority black citizens who reside in rural areas. The land discrepancies in South Africa led to private land ownership, while 13% of land was made available to Black people who constituted 80% of the South African population and were limited to reside in the homelands (Kloppers & Pienaar, 2014:684). Land inequality disadvantaged Black South Africans who had to share less land, while White communities had plenty of land. South African women in the colonial and apartheid systems were not treated as equal to men since they were considered as minors. The distribution of land in rural areas was regulated based on customary law.

The next section discusses literature related to gender and access to land in South Africa.

1.5.2 Gender and access to land in South Africa

Gender and access to land in South Africa has been a matter of interest to scholars (Bank & Mabhena, 2011; Bohler-Muller, 2009; Moyo, 2013a and Moyo, 2013b). Moyo (2013a) reviews the land rights of rural women and notes that rural women in post-apartheid South Africa are faced with many challenges with regard to distribution of land. The author states that the exclusion of women from land is due to exclusion of women in decision making when land policies are formulated and implemented because of patriarchy and customary practises. Land- related problems in South Africa have been invented from colonial and apartheid systems that neglected the rights of African people to land of which women were the most neglected group. Bank and Mabhena (2011:99) found that in the Eastern Cape land management and allocation is the responsibility of traditional leaders whose roles are supported by community members. The authors found that power struggles in land management and allocations have caused conflict between local government officials and traditional leaders as both institutions claim this responsibility that has a detrimental effect of delaying the development of rural

areas in South Africa. In addition, Bohler-Muller and Daniels (2009:27) express concerns that South African rural women are deeply affected by the exclusion on land tenure system through customary practises, while the South African Constitution forbids discrimination against people based on gender. The authors argue that the Communal Land Rights Act (2004) does not put into practise the principles of the Bill of Rights that offer equal rights and access to land for both men and women. With the restrictions caused by customary laws unchallenged, rural women find it difficult to exercise their liberal land rights. Furthermore, Bank and Mabhena (2011:97) argue that rural communities in the Eastern Cape were not consulted when the Communal Land Rights Act of 2004 was promulgated. The authors found that many rural communities in the Eastern Cape support land tenure and hope to see changes and development on how land is used and managed in the rural areas. The authors further found that communities in rural areas are keen to see development of rural areas. However, communal land management in the Eastern Cape discriminates against women because it continues allocating land for the benefit of men and women who are married. Thus, Bohler-Muller and Daniels (2009:27) suggest that traditional authorities be educated on the rights of women to transform the patriarchal beliefs and attitudes towards women in accordance with democratic principles. Moyo (2013a: 5393) suggests that rural women are more connected with land in that there are many women who are involved in agricultural and rural economy labour force in the production, processing, and marketing of food. The exclusion of rural women from land decisions may reduce opportunities for rural women to live a better life and may also affect the ability of women to get their share of food produce from land. Hence, Moyo (2013a:5399) recommends the empowerment of women in land policy making, programmes developed in both rural and urban areas and that people should be educated on other ways of using land such as horticulture, crèche building, poultry farming, restaurants building, among others. According to the South African Constitution (1996), both men and women have equal rights to secure property and to access land. Since equal rights for all citizens are guaranteed, women have the right to land ownership, to be treated with dignity, to enjoy economic freedoms and be assisted by the government as vulnerable citizens. Having access to land creates additional opportunities to acquire other rights such as human dignity. Human rights are basic rights that are important in South Africa as they guarantee the right to claim freedom rights such as food, education, equality, health, security against exploitation and other basic rights.

1.6 Research paradigm and methodologies

This section discusses paradigms and the research methodologies applied in this study.

1.6.1 Paradigm

Mixed methods in the form of quantitative and qualitative research was implemented in this study, concurrently. A research methodology is made up of the designs, methods and procedures that are used in the investigation, a phenomenon of interest. In conducting the investigation, researchers may follow certain paradigms based on how they view their worlds. According to Kivunja and Kuyini (2017:26), paradigms involve a set of beliefs or worldviews that guide the research actions. Paradigms are suitable to give the pattern, structure, and framework of the whole research process (Antwi & Hamza, 2015:223). The authors identify three main features of research paradigms, which are: (1) ontology, (2) epistemology and (3) methodology. Ontology is used to indicate the nature of reality, while epistemology relates to the knowledge gained and what can be learnt from that knowledge.

1.6.2 Research methodology

According to Collis and Hussey (2018:65), scholarly investigations need to conform to acceptable and standard methodological approaches that are guided by underlying assumptions of the paradigm used in the design of a research project. Therefore, this section discusses the methodological approaches applied in the study. Hereunder follows a discussion on the research design used in this study followed by the research process adopted.

1.6.2.1 Research design

Creswell (2017:18), Walliman (2017:72) and Choy (2014:99) explain that research can be divided into forms such as quantitative, qualitative, and mixed methods research. Depending on the objective of a study, researchers can use these methods in isolation or as a mixed-methods approach (Antwi & Hamza, 2015:223). Quantitative research quantifies attitudes and opinions from the larger sample population whereas qualitative research uncovers insight into society. The mixed methods approach combines two or more methods to collect and analyse data under investigation (Kumar, 2014:14). Mixed methods could either be a mix of quantitative and qualitative or belong to only one paradigm (Kumar, 2014:16).

This study involved the combination of quantitative and qualitative research approaches. Mixed methods were seen to be essential for this study and provided a complete picture of the problem investigated by looking at all angles of the problem in a single study.

This study conformed to the pragmatic research paradigm through the adoption of a concurrent mixed method approach of data collecting procedure. Concurrent mixed method approach was used against sequential mixed method approach (data was collected in stages). Qualitative data collection did not guide quantitative data collection or vice versa. Therefore, qualitative data collection was done concurrently with quantitative data collection.

1.6.3 Research process

This section discusses the research process observed in this study. Yin (2018:40) articulates that empirical data is aimed at connecting logical sequence to address the research questions leading to conclusions of the research. Hence, the section that follows discusses the research population from which data was collected or the study.

1.6.3.1 Research population

Etikan, Musa and Alkassim (2016:1) and Alvi (2016:10) state that a target population is a subset of the larger population. Intsika Yethu is a municipality that falls under the Chris Hani Metropole in Eastern Cape, South Africa. Its population in 2011 was 145, 372 of which many were female headed families (Stats SA: 2011). This study was conducted in Xolobe Administrative Area (AA), which is a big farmstead located in Intsika Yethu Municipality. During census 2011, Xolobe AA fell under Amahlathi Local Municipality. Xolobe Administrative Area is divided into three locations, which are: Lower Xolobe, Middle Xolobe and Upper Xolobe. Its population is estimated to be 993 with 381 households in 2011 (Stats SA, 2011). Lower Xolobe has a population of 298 with 85 households; Upper Xolobe has a population of 436 people with 50 households and Middle Xolobe with a population of 259 with 246 households from the combined data (men, women & children) presented in this area (Stats SA, 2011). This study acknowledges that the population figure mentioned may not be a true reflection of this area's population currently. Two factors are considered in this study with regard to the

population of this area. The first aspect is that this study focused on adult women as participants. The population mentioned here was drawn from a national census conducted in 2011 that combined men, women and children. Thus, the research population (women) cannot be easily established or estimated; hence the research population is largely unknown. The second aspect is that the timeframe in which this study was conducted (2019-2021) and the time elapsed since the national census (2011) is significantly great (a ten-year difference). Therefore, given the mobile nature of human beings, the population of this area may not be a true reflection of this community to date.

1.6.3.2 Research sampling

According to Alvi (2016:11), Brynard, Hanekom and Brynard (2014:57), sampling is a method that is used when selecting a small group of people from the large group of the population. Mesa, Duquia, Bastos, Gonzalez and Bonamigo (2016:327) add that sampling can be conducted through probability and non-probability methods. Probability sampling indicates that each member of the population has an equal chance of being selected as a respondent (Kumar, 2011:160; Mesa et al., 2016:329).

Mesa et al. (2016:329) and Alvi (2016:22) explain that there are different types of probability sampling namely: simple random (stratified, systematic) and cluster sampling methods. Simple random sampling provides each member of the population with an equal chance of being included when selection is done, while cluster sampling involves sampling based on geographic area such as cities and towns (Alvi, 2016:22). Omona (2015:173) states that probability sampling methods are mostly used in quantitative studies, whereas non-probability sampling means the respondents selected for participation are dependent on other considerations (Alvi, 2016:13; Etikan et al, 2016:2; Kumar, 2011: 167; Mesa et al., 2016:327). Babbie (2013:128) avers that non-probability sampling is a technique whereby samples are chosen without the application of the probability theory. Non-probability methods include purposive, convenience, quota and snowballing. In a non-probability study, a sample is chosen based on suitability (purpose), accessibility to the researcher (quota sampling) and snowball sampling that creates a chain of respondents from selecting one subject (Alvi, 2016:29; Mesa et al., 2016:328).

Non-probability sampling procedures are mostly applied in qualitative studies. However, quantitative studies may also apply non-probability procedures,

especially in cases where the population under investigation is largely unknown. In this study, a non-probability sampling method was deemed appropriate as the exact population size remains unknown, as explained in the previous section (Research Population). This study applied a mixed methods research procedure, the non-probability sampling method was used in both quantitative and qualitative aspects. On the quantitative aspect of this study the non-probability sampling procedure was followed using convenience sampling technique. Therefore, both qualitative and quantitative aspects of this study purposely targeted available and willing-to-participate adult respondents. The qualitative aspect of the study targeted land related managers (chiefs, ward councillors, sub-headmen and officials from the Department of Rural Development and Agrarian Reform) that are involved in land allocations in the study area. While the quantitative aspect targeted females who were over 18 years old. Thus, both convenience and purposive sampling techniques were applied in this study.

Data was collected from rural women of Xolobe (quantitative) who were the main focus for this study (quantitative), government officials, traditional leaders and ward councillor (qualitative) who are involved in land management. For the quantitative aspect of this research, a total number of 300 participants were targeted. However, 350 questionnaire was distributed to the rural women of Xolobe to mitigate any unforeseen challenges in collecting the aimed for number (300) of survey questionnaire. From the distributed 350 questionnaire, 308 questionnaire were fully completed for the study. Therefore, a total of 308 respondents were used.

In the qualitative approach, this study aimed to interview six (6) respondents using semi-structured interviews involving land managers (chief, ward councillor, headmen, sub-headmen and a manager from the Department of Rural Development and Agrarian Reform) in Xolobe. Thus, the study used non-probability in a purposive manner in collecting qualitative data. Six semi-structured interviews were administered in this study to collect data that could not be obtained using the questionnaire and to validate current land policy issues and distribution.

1.6.3.3 Data collection tools

According to Almalki (2016:290) and Bacon-Shone (2015:40), data collection techniques used for qualitative research differ from those employed in quantitative research. Creswell (2017:14), Almalki (2016:291) and Bacon-Shone (2015:48)

assert that there are different types of data collection techniques, namely; interviews, observation and questionnaires. As previously mentioned, this study applied a mixed method approach; the quantitative aspect of this research was in the form of a structured questionnaire. A questionnaire provides researchers with a convenient method of collecting data from a large number of respondents in a structured format and it is relatively cheap and easy to distribute (Antwi & Hamza, 2015: 222; Walliman, 2011: 97). Creswell (2017:14); and Parveen and Showkat (2017:5) add to the notion that questionnaires provide quantitative information about a proportion of the population. The questions were asked in a closed format, where respondents were to choose from a pre-determined set of answers. This format allowed for a quick and effortless response from respondents and makes data analysis easier for the researcher (Walliman, 2011: 97).

The questionnaire was divided into two sections: Section A covered general questions and the profile of respondents in terms of categories or nominal variables. Section B consisted of variables ranked in five-point Likert-scale questions. A Likert-scale is a set of statements regarding a real or hypothetical situation, presented to respondents in a structured format and assigned numerical values of attitude towards the statement (Joshi, Kale, Chandel & Pal, 2015:397). Only willing respondents participated in this study. Prior to data collection, this study recruited four fieldworkers, residents at Xolobe rural village, were recruited. The recruitment criterion for the fieldworkers was possession of a matriculation certificate as the highest level of education or a person that who had written and failed the matriculation examination. This recruitment criterion for fieldwork was based on the need to validate that fieldworkers will be able to interpret the research instrument to the respondents and that they could correctly fill in the questionnaire on behalf of respondents in cases where they (respondents) were unable to read and write. Fieldworkers were trained for two days to ensure they understood the survey instrument. Thus, during data collection, a total of 308 questionnaire were administered to rural women of Xolobe.

Questionnaire items or variables emanated from the brief review of literature for this study (Moyo, 2014, Akinola, 2018, Prosterman, 2013; Agarwal, 2003; Moyo, 2013b; Macanda, 2014; Muchomba, Wang and Agosta, 2014; Chigbu et al., 2019). The qualitative aspect of this study was in the form of semi-structured interviews. The interview method was aimed at interpreting respondents' opinions and beliefs on relevant topics (Parveen & Showkat, 2017:3; Bacon-Shone, 2015:49). The interview method can be structured, semi-structured or unstructured (Parveen &

Showkat, 2017:4). This study used semi-structured interviews. Six interviewees (from chief, ward councillor, headmen, sub-headmen and a manager from the Department of Rural Development and Agrarian Reform) were targeted for this study. Thus, semi-structured interviews were administered by the researcher to land managers (chief, ward councillor, headmen, sub-headmen and a manager from the Department of Rural Development and Agrarian Reform in this study. The interview questions were used as a guide during the interview process. The interview questions consisted of two sections: Section A covered demographic questions while Section B covered most of the interview questions guided by the literature (Bob, 2000; Moyo, 2013b; Slavchevska et al.,2017; Ainslie & Kepe,2016; Bayisenge, 2018; Moyo, 2014; Bank & Mabhena, 2011; Akinola, 2018b).

1.6.3.4 Data analysis

Data analysis of this study was approached in two distinct ways, namely: 1.) quantitative and 2.) qualitative analysis..

The quantitative raw data for this study was edited and captured to an Excel spreadsheet for easy processing of the Statistical Package Stata Software. The first stage of quantitative data analysis employed univariate descriptive analyses (frequencies, mean and standard deviation). Descriptive statistics show the relatedness of two or more related variables and the variability summary of the obtained data (Leedy & Ormrod, 2015:29). The second stage used multivariate analyses (cross tabulation, visual presentations, means relatedness of data and correlation analysis) for inferential statistics. The final stage of data analysis conducted reliability test on the Likert-scale variables in Section B using Cronbach's Alpha.

The qualitative data collected was analysed using simple content analysis on verbatim transcript of interviews. This was firstly captured into a Microsoft Word document for easy processing. Data was then grouped into themes, where the frequency of ideas were labelled and reported as "very commonly" (mentioned 5 times or above), "commonly" (mentioned 3 or 4 times), and "not commonly" recorded (mentioned 1 to 2 times) opinions. The final results for both analyses (qualitative and quantitative) were presented using texts, tables and graphs.

1.6.3.5 Validity and reliability

Various methods can be employed to conduct research in a valid, reliable and objective manner; in order to make unbiased conclusions (Kumar, 2019:9). Reliability involves the extent to which the measurement of a phenomenon provides a consistent result when repeatedly tested, and validity implies that the collected data should cover the intended area of investigation (Taherdoost, 2016:33). Shepard (2016:268) defines validity as the extent to which theory supports the interpretation of test scores. Taherdoost (2016:28) states that a questionnaire is one of the most popular tools for conducting social science studies in an accurate and consistent manner. It is of utmost importance that correct procedures are followed when gathering and analysing data (Kumar, 2011:133). The external validity of this research could be increased with a relatively large sample size (314 respondents emanating from 308 questionnaires and 06 interviews) used in this study. In further validating the study, a pilot study was conducted to test the understanding of possible respondents of the measuring instrument. According to Veal (2011:46), absolute validity cannot be guaranteed due to significant social differences across groups of people. Internal validity of this study is enriched by using the variables identified from the literature and from personal knowledge of the researcher (Ezeuduji, 2013:5; Veal, 2011:46).

1.6.3.6 Pilot study

For the quantitative aspect of this study, pilot study was conducted by drawing a few respondents from the population using a survey questionnaire to validate the research instrument for perceptions of respondents. Five questionnaires were distributed to rural women in Xolobe. Pilot survey provided the researcher with an opportunity to test if the method of data collection used is valid.

The qualitative aspect of this study did not consider a pilot study due to time constraints and budget barriers.

1.7 Delineation of the study

IntsikaYethu, a local municipality in Chris Hani Metropole, is made up of two rural village towns called Cofimvaba and Tsomo. Its population size in 2011 was 145, 372 of which many are female headed families (Stats SA: 2011). Both these village towns (Cofimvaba and Tsomo) have many administrative areas that fall

under them. Xolobe AA is one of the localities that falls under the village town called Tsomo under this local municipality.

For the questionnaire, this study targeted rural women of Xolobe Administrative Area (AA) which forms part of the rural area of Intsika Yethu Local Municipality. The study was limited to adult females who were 18 years and above living in Xolobe Administrative Area (AA).

For interviews, six traditional leaders and officials were targeted in this study as follows: 1 government official at Land Rights Division of the provincial government, 1 ward councilor at Xolobe A/A, Traditional leaders (1 Chief at Xolobe A/A, 1 headman at Upper Xolobe, 2 sub headmen).

1.8 Limitation of the study

This study investigated the land rights of rural women of Xolobe under Intsika Yethu Local Municipality in Eastern Cape, South Africa. This study focused on rural women and the land managers with respect to Xolobe Administrative Area (AA) which forms part of the entire rural areas of Intsika Yethu Local Municipality. This local municipality is made up of many localities or administrative areas that are not considered in this research. Therefore, the potential generalisation cannot be anticipated to represent the entire population of Intsika Yethu Local Municipality. The limitations of this study relate the study area that is geographically located in a very remote area, making accessibility one of the hindering factors in collecting data for the study. The other limitation to this study was the issue of time in concluding the data collection. Data collection was carried out over a period of 14 months (from December 2019 till February 2021). Therefore, time was one of the pressing commodities as the study needed to be concluded due to the time-frame criterion for completing the degree (PhD). The data collection was prolonged due to unforeseen circumstances that occurred during the study's period. The global pandemic (Covid-19) became the major challenge in collecting data for this study.

The global pandemic disrupted travel plans for the study, including the limitation of adhering to social distancing protocols (wearing of masks and constantly hand sanitising). As such, data collection was delayed and could only occur during the lockdown level 1 restriction. Also, the scheduled interviews that were meant to be held face-to-face but ended up being conducted telephonically as a measure of adherence to Covid-19 protocols. Collecting data during the pandemic period

affected the study as some respondents who would have participated in the study felt reluctant to participate in fear of the spreading disease. Another issue that may have affected the validity, reliability and generalisation of the study was the population size that might not have represented the actual number of people in this area. This study used non-random sampling, which reduces the study's generalisability as each member of the population did not have an equal chance of being selected. However, the use of a large sample size (314) mimicked the probability sampling method, which addressed this limitation in the study.

1.9 Ethical considerations

Ethics describe actions that are right or wrong in accordance with principles, laws, policies and codes of conduct (Sobočan, Bertotti & Strom-Gorffried, 2018: 2). When conducting research in social sciences, collecting data from individuals can be confidential or sensitive in nature (Babbie, 2010: 64). Therefore, it is important to seek consent of respondents to gather data, maintain confidentiality, avoid bias, use appropriate research methodology, report and use the data correctly (Kumar, 2011:198). The researcher consulted the traditional authority to get approval to conduct research among rural women and traditional leaders of Xolobe, in Intsika Yethu and the consent letter was obtained. Thereafter, an application for ethical clearance from the University was made through the research ethics committee for approval of data collection for this study. The research ethics committee approved the data collection with clearance certificate number 2017/FBREC486.

1.10 Outline of the dissertation

The outline of this dissertation is provided below.

Chapter 1

Chapter One provides the introduction and background to this study as well as a brief review of literature. It gives the details of the problem statement, the rationale and significance of the study. It provides the aim, research questions and objectives of this study and details the research paradigms and methodologies applied to conduct this study. It also presents the delineation, ethical consideration and limitations of this study.

Chapter 2

This chapter presents a summary of the literature reviewed on land rights of women. The historical and current land policies and legislation applicable to land in South Africa are discussed. The chapter further discusses gender inequality pertaining to land in the Southern Africa context. The framework that supports gender equality internationally and in South Africa were explained. Finally, the critical appraisal of literature reviewed is presented.

Chapter 3

Chapter three discusses the methodological approaches used in the study. This chapter describes the sampling tools used to collect data and details of data collection for the study. The chapter further describes the data analysis, validity and reliability, including the limitations of this study.

Chapter 4

Chapter four presents the results for the quantitative approach of the study.

Chapter 5

Chapter five provided the findings for qualitative approach of the study.

Chapter 6

Chapter six provides a summary of findings and recommendations for the study.

1.11 Conclusion

This chapter presented the introduction and background to this study and gave a brief review of the literature. It provided details of the problem statement, followed by the rationale and significance of the study, aim and research questions, and objectives of the study. It also gave details of the research process and the methodological approaches used in the study. It further discussed the delineation of the study, ethical consideration, and limitations of the study.

The chapter that follows provides the theoretical framework and reviews the literature.

CHAPTER 2

THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2.1 Introduction

This chapter provides the theoretical framework for the study. It presents the literature reviewed related to land rights of women in Southern Africa and in South Africa. The study adopted the feminist, critical and positivist theories. The feminist and critical theories were used to provide the challenges of oppression experienced by rural women regarding the acquisition of land rights. Furthermore, the chapter discusses the significance of land, historical and current legislation and policies that govern land in South Africa, followed by international legislation that support gender equity. Lastly, the chapter provides critical analysis and conclusion of the chapter.

The following section discusses the significance of land.

2.2 Significance of land

Land is a resource that encourages social power and self-worth for people's lives (Iruonagbe, 2010:2606). Historically, land is known as a source of wealth, social status and power since it is the base for shelter, food and economic activities (South Africa. Department of Women, 2015:92). A report by the Department of Women (2015) further states that in developing countries women produce about 60-80 percent of food while they have no security over land. The Department of Women (2015:95) suggests that South African women should be given the same opportunity as men to access and own agricultural land because of the existence of many female household heads in South Africa. Hence, it is important that land be made accessible to female households to prevent them from living in poverty. In South Africa, land is regarded as an essential national resource and needs to be shared among all citizens. In South Africa, it has been acknowledged that the pace of land reform has been slow and land reform should address the problems of poverty, unemployment and inequality (South Africa. Department of Rural Development and Land Reform, 2019:12). Land is the main resource in rural areas and provides nutrition, income, security and status to human beings (Prosterman, 2013:147).

Land is the most valued resource to most rural households whose livelihood depend on agricultural production (Meinzen-Dirk, Quisumbing, Doss & Theis,

2019:72). Rural women are more involved in both agricultural and rural economy through the provision of labour force as producers, processors and marketers of food (Moyo, 2013a:5393). The author further declares that in sub-Saharan Africa, women make up to 50% of the labour force, while in the South Africa's former homelands there are numerous women involved in the agricultural subsistence sector. Land is an economic resource that can support women to get income from other economic activities connected with land such as horticulture, mining and tourism (Moyo, 2013a: 5395). Agarwal (1994:22) affirms that communal land is a crucial resource that has a contributing effect on the livelihood of rural households that are poor to get their important subsistence materials that include fuel, fodder fibre, food products and medicines. Muchomba et al. (2014:97) state that land is essential as a source of income and wealth because agriculture is the main economic activity available to most people in sub-Saharan Africa. Livelihood for rural households involve capabilities to gain access to assets such as natural, physical, human, financial, social and financial capital (Robaa & Tolossa, 2016:96). Livelihood, in this regard, encourages people to improve their quality of life. According to Robaa and Tolossa, 2016:94), rural livelihood is critical to reduce poverty and food insecurity. Moyo (2014:5999) emphasises the need to involve rural communities in development programmes that are designed to improve livelihood in rural areas to ensure that the needs, desires and goals of rural communities are attended to and suggests that women should be encouraged to participate in consultation meetings to voice their concerns and to ensure that their problems are addressed.

Akinola (2018a:12132) expresses highlights the economic role played by land to encourage food security, stability, and economic development. Socially, women are known for their skills in organising functions for their families and wellness in their societies. In the preparation of African tradition ceremonies, for example, all the hard work starting from brewing and fermenting of traditional beer (umqombothi), catering, serving of food until the end of the ceremony is carried out by women, while men's work is seen on the actual day of the ceremony., The slaughtering of animals and chopping of wood, in most cases, has been done by women timeously. In the olden days, rural women maintained their connections in such social gatherings by meeting to teach each other about life expectations. In these meetings women gained confidence about who they are while their self-respect and dignity could be expanded. Women also learnt to help each other in times of hardship, including collective assistance as a group in hard labour such

as collecting wood, water, and cultivation of crops. Thus, it is important that women have access to land.

Land is important as a resource that improves economic growth to both rich and the poor. Hence, land is a resource that does not lose value even during times of political and economic crises and as the value of land increases people may benefit in farming to support themselves against unstable and undefined futures (Berry, 2017:109). High levels of poverty, unemployment and inequality are the social and economic issues in South Africa, while the labour market still favours males over females (Leburu-Masigo, 2020:175). The lack of access to basic needs in South Africa has led to numerous protests by citizens who have lost hope for better services related to their socio-economic rights (Ozoemena, 2018:23). Ozoemena further argues that lack of socio-economic rights has a negative impact on women and children because they are poor, uneducated and most of them reside in rural areas that lack public services and market opportunities. Besides, the cheap labour force that was made available for mines in the apartheid system only catered for men, while women were left at home to care for children and the entire family. This implies that women are the neediest group not included in the workforce and have been struggling to meet their expectations of a better life. In addition, women without productive resources have to rely on other people to support them financially.

Land rights can be a solution in South Africa's development during difficult times related to poverty and unemployment, which are the main problems currently facing the country. Most women in rural areas are not working because both formal and informal markets are unavailable in rural areas. Land rights are important for women in South Africa for the accomplishment of sustainable rural development (Gibbens & Schoeman, 2019:546). Women need land rights to have sufficient food to escape poverty. Poverty is severe among Blacks and mostly affects women in rural areas (Moyo, 2013-ba:5154). The poverty level of an individual is measured by looking at the ability of the individual to access income, employment, basic services, ownership of assets, social inclusion or exclusions and participation in decision making (Ruch, 2014:1). There is high rate of poverty in rural areas compared to urban areas and areas that practice gender relations when families make decisions (Cheteni, Kamfula & Mah, 2019:4).

According to Prosterman (2013:147), rural women contribute 43 percent of the agricultural labour force in developing countries and 50 percent in Eastern Asia

and sub-Saharan Africa, yet women own only a small portion of land in the production of food. Villarreal (2013:170) stresses that women have an important role to play in agriculture as farmers, workers and entrepreneurs. Sikwela, Tshuma and Tshabalala (2018:481) assert that South African black women live below the poverty line and recommend that land be provided to the poor in order to address challenges of poverty in the country. The major work in agricultural production is done by women, yet their salaries are low because women work as labourers in ploughing, weeding and harvesting (Makhado, 2016:34). Prosterman (2013:148) argues for provision of secure land rights for women through farming production to allow them get the basic needs of their families. Farming land, when provided to adult women, may assist other women who reside within the bigger households to have access to food products. In this way, women may not suffer from poverty.

Land is an essential resource to eliminate poverty. Rural women are among the vulnerable groups and are the poorest in South Africa. Poverty is a result of excluding poor people from attaining basic needs of life. The causes of poverty in South Africa include lack of resources, low income, poor nutrition, poor living conditions, lack of power and lack of education (Moyo, 2013b:5154). Moyo argues for the provision of productive resources to women to prevent poverty among them. In the developing world, land is a critical resource for security against poverty (Odeny, 2013:4). Poverty and unemployment in South Africa are the main challenges that are driving people to migrate to cities from rural areas in search of work. During the apartheid era in South Africa, an urban management system was used to control the growth of rural urbanisation. In that process, racial laws were made to control people from living in places of their choice. Cousins, Dubb, Hornby and Mtero (2018:1067) argue that the growth of mining and capitalist agriculture in South Africa was dependent on the low wage provided by African labour.

The colonial capitalists, in expanding their capital, produced cheap migrant labour that forced rural women to remain in rural areas looking after children and other dependents (O'Laughlin, Bernstein, Cousins & Peters, 2013:5). The authors further state that the colonial capitalists, in expanding their capital, forced women in Mozambique to work in fields of rice that they were not permitted to eat, whereas their male counterparts supplied contract labour in the mines of South Africa. It was never communicated with women to check if they will cope with the absent of their husbands or male family members. These women had no choice

to opt out; rather, they had to accept these harsh conditions to sustain their families in response to hunger. O’Laughlin et al. (2013) further argues that contributing factors to rural poverty in South Africa relate to the rural poor who work in large commercial farms while having no arable land, without livestock, low income to support farming, lack of rural markets, high dependency on commercial food and social grants. Most *Black communities were affected by the movement as they were forcibly relocated to overcrowded areas in townships and homelands (Molope, 2018:321). In South Africa, land reform was meant to achieve parity in land distribution between men and women, assist the poor to improve their economic conditions and eradicate poverty in rural areas. Land tenure security is important in improving the livelihoods of the people in sub-Saharan Africa and it can be achieved by the government through protecting women’s land ownership and other people’s land rights (Chigbu, et al., 2019: 2).

Masuku, Selepe and Ngcobo (2017) examine the impact of socio-economic status on food security and food insecurity in rural areas of KwaZulu-Natal, South Africa. Their study found that rural women are the people most affected by food insecurity because women’s involvement in agricultural productivity is not considered as an economic activity. It is indicated that people from rural areas are more exposed to food insecurity due to low income, insecure land tenure as well as lack of access to natural resources. Masuku et al. (2017:58) argue that unequal distribution of resources has a negative effect on women since they have no access and ownership to security of tenure and as such limits women’s role in ensuring that food is available. The study also found that a high rate of unemployment in rural areas is a challenge caused by the lack of public and private institutions not being able to create employment, while people employed are on temporary basis earning low wages. Masuku et al. (2017:64) suggests that the South African government needs to improve policies on food security and these policies should address the needs of the society for empowering of that society to use its traditional knowledge in production and access to food.

Land is the main resource that supports the livelihoods of women and food security (Makhado, 2016:34). Consequently, land for women is vital to address the problem of food insecurity in poor rural households (Meinzen-Dirk et al., 2019:78). Similarly, land resources contribute to the improvement of human rights (Iruonagbe, 2010:2607). Human rights in South Africa are applicable to all people irrespective of gender, race, language, religion and status, and are recognised equally to everyone. The right to food is a human right that relates to the right to

life. Mutangadura (2004:3) argues that denying women and girls access to land shows that women are discriminated against because land for women is the most crucial resource that can upgrade women's standard of living, empower women economically and promote their equity in the patriarchal society. Land distributed to women means that women have access to food, which is a major concern for most women to care for their families.

Agarwal (2003:193) outlines motivations that are necessary for providing independent land rights to women. The author describes the motivation for women's land rights as follows:

- 1) Welfare support: in this category, land is seen as necessary for poor households and women to get out of poverty. Land provides women with benefits to gain access to economic resources. Needy women may have an opportunity to be free from relying on men for living. Land rights for women may improve women's standard of living and women may be free from poverty. Agarwal argues (2003:194) that a plot allocated to rural women as family members can contribute in improving people's livelihood.
- 2) Efficiency: in this category, efficiency for women means increase in agricultural production. Agarwal (2003:195) argues for provision of farming opportunities to family members for women to invest in land through farming. This may allow women to have an opportunity to control ownership of their piece of land. Land ownership for women may allow them to compete with men and be able to increase their agricultural production to eat and have extra food to sell.
- 3) Equality and empowerment of women: this category is seen to be necessary in terms of making decisions in the family and in communities. Agarwal (2003: 197) argues that women with land rights are able to gain self-confidence, feel well respected, may compete in wage labour market and participate in decisions made in their communities. This means that women with land rights may need training to understand their rights to land and, as such, women may compete with males to challenge the conditions showing oppression in their homes and within their societies. Trained women on land rights may gain knowledge about land laws, land policies and know how to claim their rights to land.

Gilbert (2013:119) recognises land rights for indigenous communities and connects land rights of indigenous people to cultural rights since land for them is a symbol for spiritual, cultural and social identity. According to Gilbert (2013:120),

cultural integrity involves a wide range of human rights that include the right to livelihood, religion, culture, subsistence and heritage, which support the protection of land rights. Rights related to culture in South Africa are encouraged since citizens have freedom rights to religion, beliefs and opinion (South Africa, 1996a:7). Citizens have an opportunity to choose their religion and to observe their culture.

For Africans, cultural rights are necessary for building close relations with the ancestors, religion and customs of these communities. In African belief, land is connected with the forefathers. For African societies, land represents the greatest place for spirituality. Places of birth and of burial connect Africans with their ancestors.

Therefore, land for African people represents their place of origin. Africans takes burial places as sacred and give respect to those places as their ancestors are believed to be continually looking after them. African tradition and traditional ceremonies are performed in places such as cattle kraals, mountains, rivers and forests. These sacred places are visited occasionally for communication with the ancestors and that shows the importance of land to Africans. Traditional practices are important in African communities. Places of birth and death in African culture are important in that they provide identity and originality. When a child is born, the umbilical cord is buried in a kraal or around the house depending on the culture or ethnicity, as a sign of connecting the child with the ancestors.

The following section discusses the traditional leadership practices and in communal areas.

2.3 Traditional leadership and practises

Chieftaincy, in South Africa, was produced by traditional African customary institutions, colonial and apartheid systems (Bob, 2000:52). The author further states that the roles of traditional leaders and those of elected ward councillors regarding management and allocation of land seem to create conflicts among these leaders since chiefs in the colonial and apartheid systems ruled on behalf of the government in rural black communities. In the past, traditional authorities in South Africa were engaged in more powerful roles in rural areas of the former homelands (Ntsebeza, 2004:80). Kings were assigned duties to preside in legislative and judicial positions (Ngubane, 2019:28). In post-apartheid South Africa, traditional authorities remain in the same roles they performed, including

allocation of land. Traditional practices are important in most African countries and customary law is part of the legal system since customary land tenure is legally acknowledged (Ossome, 2014:155). Traditional customs are not written down; they are based on traditional and cultural laws (Akinola, 2018b:2; Ngubane, 2019:26). Traditional customs are passed on by adults to other people to be known by the generations. Since women have close relationship with children, they play a major role in ensuring that customs are known by their children and preserved for generations. Ossome (2014:161) confirms that women play a major role in assigning customs and practices. Women are observers of traditions and makers of unity in their communities (Gibbens & Schoeman, 2019:549). In African culture, women are the organisers of traditional ceremonies. In some rural communities, there is a seating arrangement done to follow traditional practices that is well known by every community member in those regions. Inside the hut, women and men do not sit at the same side. Women sit at the right-hand side of the hut, while men sit at the left-hand side. The South African government acknowledges that indigenous people have diverse cultural communities (South Africa, 2003:1). The Traditional Leadership and Governance Framework Act 41 of 2003 requires the state to respect, protect and promote traditional institutions (South Africa, 2003:1). The South African Constitution of 1996 states that traditional leadership should comply with the system of customary law and customs of the community (South Africa, 1996a:112). South African citizens have the rights to enjoy their culture and practices (South Africa, 1996a:13). The South African government, in respecting cultural traditions, needs to ensure that people's human rights are also respected (Bob, 2000:62).

In South Africa, the role and status of traditional leaders are acknowledged in customary law (South Africa, 1996a:112). Claassens (2013:74) states that the functions and powers of South African traditional leaders are determined by customary law. Customary laws give value to the practices, traditions and customs of the people. Chiefs form part of traditional customary institutions. The positions of traditional leaders are filled by people who are members of the royal family, and these people qualify to take leadership positions in terms of the customary law (South Africa, 2003:14). The Department of Cooperative and Traditional Affairs in South Africa provides support service to the traditional leadership institutions. In South Africa, in the days of colonial and apartheid governments, traditional leaders were given authority to rule over Black South Africans in rural areas on behalf of the White government (Bob, 2000:52). Through implementation of the Black Administration Act 38 of 1927 and

recognition of customary law, a dual system of justice was produced in South Africa that placed Blacks in inferior situations (Ngubane, 2019: 27). Ngubane further states that the system of justice treated Africans as inferior and further made all women to be minors dependent on male relatives. This system made provision for traditional leaders to rule over rural areas and allowed traditional authorities to use land to gain power. Berry (2017:118) confirms that chiefs carry on lobbying for gain and developing legal authority after the apartheid regime. Bob (2000:54) declares that the land management system under the traditional leaders was criticised for being corrupt, allowing chiefs to use their positions for personal gain and using discriminating practices to deny access of land to women. In post-apartheid South Africa, the Traditional Leadership and Governance Act 41 of 2003 recognises traditional communities and assigns traditional leaders to continue ruling over rural communities. Moyo (2013a:5398) points out that in post-apartheid South Africa, cultural structures under the management of traditional chiefs neglect the rights of women to access and own land.

The Traditional Leadership and Governance Framework Act 41 of 2003 states that government should provide support and capacity building to the traditional leaders. There are provincial houses of traditional leaders in six provinces: Eastern Cape, Free State, Limpopo, KwaZulu-Natal, Mpumalanga and North-West. At the top of the structure of the institution of traditional leadership is the King, who is followed by the chiefs as senior traditional leaders. Under the senior traditional leaders are headmen and headwomen, with sub headmen at the lowest level. The Traditional Leadership and Governance Framework Act of 2003 provides guiding principles for the setting of roles for traditional leaders, which must be provided by national and provincial governments (South Africa, 2003:26). Traditional leaders have responsibility to support freedom, human dignity, and equality within their judicial areas. According to the Traditional Leadership and Governance Framework Act 41 of 2003, the institution of traditional leadership needs to be transformed to work in a way that complies with the South African Constitution and the Bill of Rights (South Africa, 2003:2). The institution of traditional leadership is required to apply democratic principles and promote gender equality. This role encourages traditional leaders to prevent discrimination, promote equality and ensure that there is gender representation in traditional leadership positions. Yingi and Sithole (2018:513) suggest that cultural and customary practices that prevent women from accessing and owning land rights be transformed so that traditional leaders may give men and women equal

rights to land. The authors further state that equal treatment of men and women in land reform may alleviate poverty of households. According to the Traditional Leadership Act, traditional leaders are expected to perform their duties in good faith, diligently, honesty and be transparent in their dealings (South Africa, 2003:40). The Traditional Leadership and Governance Framework Act 41 of 2003, requires traditional leaders to comply with the principles of democratic and open society. Bob (2000:49) argues that the land reform programme is an opportunity to provide rural women with land rights as a way of empowering women both socially and economically. Traditional leaders have to maintain peace and harmony in their communities. They have the duty to resolve the disputes in a fair manner and apply fair administration of justice (South Africa, 2003:4). Bob (2000:63) concludes that rural women have no knowledge and understanding of laws that promote and protect their land rights. Another role of traditional leaders is to build good relations with organs of the state. While traditional leaders have a duty to manage land, they are also expected to safeguard people's health and welfare and ensure safety and security in their communities (Ngubane, 2019: 27). Okumbor, Sithole and Kirk (2018:452) state that rural people understand land rights as a tool that they can be used for different purposes such as collection of firewood and medicinal plants, burial purposes, connection with interrelated groups of people, identity, and ancestors while land can be a supporting tool, they can use to provide powers of traditional authorities. This means that rural communities support the rule of traditional leaders.

The section that follows reviews the literature on the theoretical framework that guided this study.

2.4 Theoretical framework

Theoretical framework is the plan set to build the whole study and it is based on the existing theory related to the field of enquiry (Adom et al., 2018: 438). These authors further state that theoretical framework assists the researcher to use a suitable research approach, analytical tools and procedure for the research. This study was informed by a combination of feminist, critical and positivist theories. There are many feminist theories, ranging from liberal, radical, Black feminism and to Marxist feminism. Amongst the various feminist theories that exist, this study adopted Marxist feminist theory. Marxist feminist theory was used for this study to understand the land rights of women in Intsika Yethu Municipality in Eastern Cape. Marxist feminism speaks of double oppression of women based on

their class and sex (Seneviratne, 2018:190). The author further states that Marxist feminists are concerned about productive and reproductive gender dynamics of patriarchy, capitalism, structure of the economy and society's continual gender inequalities. Mkhize (2017:71) declares that women's empowerment approach is another form of feminist theoretical framework that focuses on problems influencing the development of women such as gender, patriarchy, and capitalism.

Hereunder, an in-depth analysis of the chosen theoretical framework is explained.

2.4.1 Feminist theories

Feminism involves many social, political, cultural movements, theories and moral philosophies that focus on gender inequalities and equal rights of women (Phande, 2018:2). Feminist methodology supports research that gives value to women and, most importantly, seeks ways to transform society for the benefit of women (Burns & Walker, 2005:67). Feminist research, therefore, protects women against all forms of ill-treatment in the society. In this way, feminism encourages equal treatment of people regardless of their gender, status or race as supported by the democratic state. The feminist paradigm understands society through women's experiences of oppression and observes the limitations of women in social life (Babbie, 2013:64). Feminist theory is suitable for this study to help discover the oppression experienced by rural women of Intsika Yethu Municipality, Eastern Cape on land matters.

According to Giddens et al. (2016:282), feminist theories in the sociological approach emphasise the subordination of women, oppression of women and look at how gender equality is structured with the aim of developing approaches for resolution of gender inequalities in societies. The authors express that gender patterns and gender inequalities have been socially constructed in the family, workplaces and education system. Feminists intend to eradicate oppression against women because they acknowledge that women have suffered through marginalisation in all spheres of the society. Kiguwa (2019:226) states that some feminist focus on understanding the different experiences between and among women to allow them to tell their own experiences. Feminists acknowledge that women, as human beings, have value since they reject the subordination of women. Women's movements in societies were established to end the dominance of men over women (Giddens et al., 2016:283). There are several categories of theories, and each of which has a different understanding of how to approach

feminism. The various feminism theories that include Marxist feminism, and critical theories are discussed next.

2.4.1.1 Marxist feminism theory

Marxism involves social, economic, and political theories that were established by Karl Marx while dealing with historical analysis and it centres on the means of production (labour) and inequalities that were created by the capitalism (Somekh & Lewin, 2005:346). Marx argues that capitalism uses power relations to exploit people (Tong, 1995: 41). Marx felt that capitalism is the exploitation in labour because labourers in need of work would sell themselves and work harder to get money to survive. Marx states that within the capitalist system class divisions do exist and is they are made up of people who are wealthy, those who are poor, property-owning employers and employees without property (Tong,1995:42). Employers are said to be privileged since they have better living style, while workers are disadvantaged since they live in unpleasant conditions. Marx was concerned that workers, being exploited by capitalists, may be unable to use their potential as individuals unable to develop themselves as they are denied education (Sargent, 2006:165). Marx felt that power is held by a few people, while many people are powerless. The idea of Marx to solve problems related to inequality was found to be of interest to feminists (Sargent, 2006:151). Feminists were concerned about the issues of women, their status, freedom rights and equality rights. According to Sargent (2006: 165), the state became the dominant structure that was used by colonial regimes to oppress people while in favour of another class. The apartheid regime in South Africa became the dominant oppressing Black communities in favour of White communities to benefit from Black cheap labour. Rural women in South Africa became victims of the capitalist system as they were denied access to land and deemed minors, while women were the main producers in agriculture (Mkhize, 2017:74).

Marxist feminism challenges gender relations and power relations that continue creating gender social inequality (Seneviratne, 2018:192). Marxist feminists state that women have been excluded from means of production while men own the productive resources (Arat, 2015:676). Marxist feminism is best suited in this study to understand the experiences of exclusion of rural women in Intsika Yethu Municipality in Eastern Cape on land rights. Marxist feminist theory responds to the challenges of gender inequality that excludes women from attaining productive resources. Women are many in agricultural labour, but their labour is not counted as important. At the household level, women spend most of their

time providing the most unpaid work that include, cooking, washing, cultivating fields, caring for children and the entire family. In the Marxist view, all work done by women in the family that do not benefit women economically is linked to cheap labour. Marxist feminists fight the subordination related to class, race and ethnicity in an attempt to provide freedom rights to women in sharing the means of production (Arat, 2015:676). Marxist feminists challenge discrimination, exploitation and oppression that is linked with the capitalist system (Ngomane, 2018:113). Women's socio-economic status is very low within their families, at work women are treated as labourers and women lack access and ownership to productive resources that include land. Marxist feminists expose the oppression that happens to women through the actions of capitalism and patriarchy by males who take over all the productive resources. Marxist feminist theory is appropriate for this study to provide rural women in Intsika Yethu Municipality in Eastern Cape with an opportunity to benefit from land rights.

In many parts of Africa in the post-colonial era, land reforms were established but communities in rural areas continue to struggle for land resources (Akinola, 2018b:2). The author declares that women in African states are excluded from accessing and owning land although there are non-discriminatory laws developed in post-colonial African countries. Ossome (2014:171) confirms that customary laws eliminate women's access to land participation. Ossome (2014) argues that equity in land should not be based on how institutions are reformed, decentralised or on the legal acknowledgement of customary laws, but the criteria to be used in the land allocation process, for equity purposes, should target the rural poor and people without land. Additionally, rural women are the historical disadvantaged group that is poor, yet they are more involved in the production of food. Historically, rural women in sub-Saharan Africa have been excluded from owning property rights since they have to attain the right to land through their relationships with men (Djurfeldt, 2020:1).

For Marxist feminists, women are oppressed because of the social structure in the patriarchal system and the capitalist system, which both allow domination of means of production by males. Power, in patriarchal societies, is in the hands of a few people, meaning that women and children are disadvantaged with no resources. Historically, in South Africa, land distribution was skewed in favour of one race. As the country gained democracy, unfair land legislations were transformed to provide equal and fair distribution of rights to both men and women. Land rights in the past were distributed unfairly and women did not

benefit from land. In post-apartheid South Africa, women are still experiencing lack of access and ownership to land through exclusion by traditional leaders in the communal areas. Women are not allowed to make decisions on the management of land since they have to get consent from males in their families and when agricultural policies are designed for women's productivity, women are also not considered (Moyo, 2013a:5394).

The section that follows gives summary about critical theory.

2.4.2 Critical theory

Critical theory was developed during the First and Second World Wars by Frankfurt School in resistance to the oppression and inequality that existed in western societies (Ryan, 2018:18). Critical research theory hold that social realities are made by the historical events associated with political, social, cultural and ideological changes (Kekeya, 2019:31). Kekeya (2019:33) added that critical theory seeks to discover problems related to power such as gender inequality, exploitation, discrimination and racism caused by political, socio-cultural and economic activities. Critical theory challenges the exploitation of people in society by looking at how power, class, gender, culture and race are used. Critical theory looks at power structures and challenges the way they were formed (Ryan, 2018:18). The intent of critical theory is to see society changing in how it is functioning (Sargent, 2006:183). The critical paradigm was deemed appropriate for this study as the research aimed at understanding if the rural women of Xolobe are aware of their land related rights. This was based on the low level of education in this society as well as their socio-economic status that is associated with poverty (Macanda, 2014: 49; Ozoemena, 2018:23). Thus, the study aimed at ascertaining the challenges that rural women of Xolobe are confronted with. According to Kivunja and Kuyni (2017:26) critical paradigm is about social justice thereby giving a voice to people with less power . In this study, critical theory is appropriate to investigate the land rights of rural women in Intsika Yethu Municipality, Eastern Cape, to understand how this society is functioning and how women are treated when it comes to distribution of land rights.

2.5 Land tenure and the land rights of women

According to Amone and Lakwo (2014:117), land tenure is about how land is owned, occupied, used and distributed within the community. Land rights provide a person with the rights to use, control, enjoy, exploit land and land rights are also necessary to claim information related to land and make decisions about land (Akinola, 2018b:2). Land right empowers people for achievements of social and political status, participation, self-esteem, security and dignity (Tengnas, 2012:104).

The land tenure system in Southern Africa has been described as complicated in that land rights are distributed using different tenure systems. The use of different tenure systems in South Africa when distributing land to people may have implications of offering them (people) with different rights to land (Slavchevska, de La Campos, Brunneli, & Doss, 2017:9). For instance, the land system in urban areas is formal as it applies statutory tenure, while the land system in rural areas is informal and its application considers customary laws. The land rights owners in the statutory tenure are issued with title deeds as proof of ownership. Land rights held in customary tenure are commonly shared among groups in the community. Customary land rights are known to be insecure because they are associated with changes in African economics, demographic growth, urbanisation, livelihood differences, global economic integration and cultural change (Nara, Lengoiboni & Zevenbergen, 2020:2). Nara et al. (2020:3) argue that strong land rights and secured tenure are crucial in assisting people who depend on land to access food and livelihood. Nara (2020:2) notes that land inequalities negatively affect land tenure security and needs of vulnerable people related to farming and food security. Nara et al. (2020:17) further argue that people with weak land rights tend to suffer a lot on food security in their families. Slavchevska et al. (2017:4) argue that recognition of ownership rights is a challenge in the African context in areas where land ownership is governed by the customary tenure system. In addition, land obtained on customary tenure is not registered with title deeds. Slavchevska et al. (2017:4) define three types of land rights that are suitable for agricultural land. These rights are: (1) ownership rights, which are rights considered to give full set of other rights that include the rights to control, transfer, manage and improve land, (2) management rights, which are rights related to decision making on use of land for production purposes and (3) economic rights, which are rights related to economic benefit whereby income is generated through use of land.

In Angola, land legislation is described as weak because laws in the country have been ineffective in defending the land rights of women from customary practices that do not approve ownership and inheritance of land by women (Cain, 2019:4). In Africa, land is the problem associated with conflict, civil wars, and underdevelopment (Justin & van Dijk, 2017:5). The conflict related to civil wars that occurred in 2011 in North and South Sudan led to major division of the country into Sudan and South Sudan. Justin and van Dyk (2017) hold the government of South Sudan responsible for increasing conflicts and wars in the country by excluding some areas in the boundaries from the centre and by interfering with the land rights of rural communities when building the state. Land reform in South Sudan was intended to deal with historical injustice and prevent the occurrence of additional conflict. Most people in South Sudan reside in rural areas where land is owned collectively. In all these land systems, the needs and freedom rights of women to land have been ignored, while women are more engaged in agricultural work and the rural economy (Moyo, 2013a:5393).

Land rights, in most countries, have been managed using systems that exclude the underprivileged people and those who lack formal education from accessing land rights (Gilbert, 2013:115). Property rights in Africa are associated with racism since these rights were made to be obtainable different to people on the basis of race (Ramutsindela, 2012:753). Another problem that is observed in Africa is gender gaps in the ownership of land property. According to Gaddis, Lahoti & Li (2018:2), there are gender gaps in land and property ownership which, in most African countries, is generally owned by men while women hardly have ownership to property. The exclusion of women from property ownership affects them since they become powerless to make decisions within their families as they have no claim to land. For women, land is the main source that they rely on as there are no formal markets in the rural areas.

In South Africa, land complications are related to colonial and the apartheid system that used different land administration systems in distributing land, which are privately owned and communally owned. In the South African land tenure system, private land ownership was distributed to minority Whites and available in urban areas, while communal land ownership was available to the majority black citizens who reside in rural areas. The land discrepancies in South Africa led to private land ownership, while 13% of land was made available to Black people who constituted 80% of the South African population and were limited to reside in the homelands (Kloppers & Pienaar, 2014:684). Land inequality disadvantaged

Black South Africans who had to share less land, while White communities had plenty of land. South African women in the colonial and apartheid systems were not treated as equal to men since they were considered as minors. The distribution of land in rural areas is regulated based on customary law.

Land tenure system in South Africa consists of two systems of tenure, which are statutory tenure and customary tenure systems (Bohler-Muller & Daniels, 2009:26). One system is formal, while the other is informal. The formal land system is applied to regulate land allocated in urban areas. The management of this system is guided by clear rules and is privately owned. The informal land system is applied to land allocated in rural areas and this is the responsibility of traditional authorities in the communal areas. The land in rural areas is owned by the state and, thus, owned collectively. In South Africa's past, traditional leaders were put in charge of land resources in ex-homelands and in post-apartheid South Africa traditional leaders have the mandate to allocate land in rural areas of the former homelands. The South African ancient regimes distributed land resources unfairly between citizens. There were few categories of citizens that benefited from land resources. This led to discrimination of majority of citizens who were non-Whites. Women, in this process, suffered the most as they were at the lowest level of citizenship. Better land was accessible to minority Whites, while Black citizens were expected to share the portion of land resources that were available in the homelands. The land for rural women is available in the rural areas.

In South Africa, struggles over land are linked with colonial and apartheid systems of administration. European settlers on arrival in Africa had two main intentions, which were to overthrow the land of indigenous people and to justify European occupation and ownership in the African content (Ramutsindela, 2012:754). The land was managed using two different land systems that created racial divisions among South African citizens (Slavchevska et al., 2017:9). The ownership of African land and its borders were not demarcated and documented and, as such, the European settlers assumed that the land in Africa had no owners, while the clans and chiefs in charge of land knew the borders (Ramutsindela, 2012: 754). It was difficult for Africans to give proof of their territory since their land was not formally legislated and most productive land for Africans was confiscated by the settlers during battles for land, which Africans were unable to win and were forcibly removed in favour of

the Europeans settlers who won the war. Upon victory, the European settlers created systems and regulations were tough for the Africans to bear. For white South African communities, land was designed and distributed in a manner that promoted value of privacy as well as value for economic growth. Ramutsindela adds that European settlers assumed that land in Africa had no ownership without boundaries while the traditional leaders were aware of their boundaries. European colonisers used the term 'ownerless' as an excuse to undermine the land ownership of Africans. Discriminatory laws were carefully passed to be tools in oppressing people in the colonial and apartheid period. Through promotion of culture, the state made the traditional leader to be representatives of the government to continue with the authoritative style of leadership when ruling in their traditional territories. Land tenure in South Africa is difficult in that it has to redress the historical injustices (South Africa, Department of Land Affairs, 1997:16).

2.6 Gender inequality and women's rights to land in communal areas

The most common feature of the land problem in Southern Africa is the history of colonial oppression, loss of status, conflict and wars (Commey, 2013:2; Yingi & Sithole, 2018: 502). The land in communal areas is used and occupied without documentation. The dual tenure used by the colonisers created different kinds of land ownership in their favour that disadvantaged black communities (Graw et al., 2017:2). Communal land rights continue to be owned by the state in the post-colonial period in most African countries. The land problem is still a challenge for rural women while land legislations have been adopted in many developing countries that support equal access and ownership of land by both men and women (Iruonagbe., 2010:206; Muchomba, Wang & Agosta., 2014:98). Women are still regarded as property s of men in the traditional customs since the rights of women in communal land rely on the relationship of women with male figures.

In Marxist feminism view, gender inequality is caused by social relations in patriarchal and capitalist systems that oppress women through the dominion of power by males in all spheres of life (Seneviratne, 2018:190). Kalabamu (2006:238), in this regard, states that patriarchy is a gender system because it is structured to offer males with power to dominate by transferring their inheritance

of resources to their sons, using labour from their wives and children while in control of all productive resources in life general.

2.6.1 Gender inequality and women's rights to land in sub-Saharan Africa

The rights of women regarding land are determined by their locality. Women in urban areas get their land rights from legal land system, whereas women in rural areas get their land rights from the communal land system governed by customary laws. As previously mentioned, land rights that are available in rural areas in the low- and middle-income countries for both men and women are informal with no title deeds since they are not recorded (Slavchevska et al., 2017:9). However, land rights available in urban areas follow the legal system and they are secured with formal title deeds. The women rights phenomenon has been a scholarly debate in sub-Saharan Africa; this is evident in various studies such as Djurfeldt 2020; Chigbu, et al., 2019; Iruonagbe, 2010; Tschirhart, et al. (2018; Obeng-Odoom, 2012:166; Nakanyete, Nghitevelekwa, Matsa, Mendelsohn, Lendelvo & Shikale., 2020; Kalabamu, 2006; Kaarhus & Dondeyne, 2015; Qoricho, 2011; Haile, 2013; Magawa & Hansungule, 2018; Cain, 2019; Makhado, 2016; Ngomane, 2018. The following sections review the literature on various studies conducted in relation to gender inequality on women's rights to land in sub-Saharan Africa.

Djurfeldt (2020) investigated land rights of women in sub-Saharan African countries, specifically in Kenya, Rwanda and Uganda. The study found that women in sub-Saharan Africa have been rejected denied owning property rights since they are regarded as property. This attitude means that women are not treated as human beings with senses and feelings. The property rights of women in the communal land tenure system are accessible through relations with males. Land access, in most sub-Saharan African countries, is available as user rights, instead of individual ownership rights. The study reveals that in the three countries (Kenya, Rwanda and Uganda) there are different tenure systems and legislation administered to manage use rights, access rights and rights of ownership to land (Djurfeldt, 2020:4). The author pointed out that countries manage tenure systems differently and gender imbalances in land ownership also differ depending on efforts made by the land tenure managers. Djurfeldt revealed that the Rwandan government, after the genocide, adopted legislation and policies that promote gender equality. Land reform programme in Rwanda introduced land registration and title that improved land rights of women.

Rwandan women, with the support of these legislation and policies, were able to inherit land from their parents while married women in polygamy managed to claim their equal rights on property. Whereas, the Kenyan and Ugandan legislation, including the constitutions, support equal rights of women and men, but in these countries patriarchal customary laws exist that discriminate against land rights of women. Other problems that were found are connected with the exclusion of women from land ownership were the lack of law to protect women, customary norms and the problem of corrupt officials.

Chigbu, et al. (2019) conducted a study to investigate experiences of women regarding land rights in sub-Saharan Africa using studies completed in Southern Africa, in the case of Zimbabwe and West Africa, the cases of Ghana and Nigeria. Through this study, different experiences of women in land tenure were investigated to argue for improvement in land tenure policy. The authors make it clear that land tenure is essential for its ability to improve livelihood of people, particularly women and it is important for empowerment of women in sub-Saharan Africa who are landless. This study argues that education plays a major role in allowing women to access and control land as educated women are able to understand land laws and their rights to land. The study used evidence from the three countries to show that women are different when it comes to their problems, needs and status regarding land tenure in sub-Saharan Africa. In their study, the authors identified differences that exist between women about their needs to access land tenure security. These differences are linked to the economic level of women, women's health status, education level of women, area where women reside such as urban or rural, marital status of women, inheritance regime where women live, women's settlement area, immigration status of women, and relationship of women with people in leadership. The study showed that wealthy women know how to organise their financial resources to increase their own productivity for land security as it was the case in Ghana, Nigeria and Zimbabwe, while women who are dependent on men in the same countries find it difficult to get finance to assist them in acquiring land. The study found that land legislation in these countries was supported equality between men and women, but land legislation and policies were not effective in protecting the land rights of women because they failed to address the challenges of women towards accessing land rights, which are related to women's differences in status. The authors concluded that policies and legislation designed to improve tenure security should include diverse conditions that are found within the local communities. Kiguwa (2019:226)

adds that some feminists support the understanding of different experiences and power between and among women to allow them to tell their own experiences.

In Nigeria, Iruonagbe (2010) conducted a study where the land rights of women and challenges of patriarchy were investigated. This study alluded to the fact that in many developing countries there are land laws and land policies in place that support the land rights of women, but achievement of gender equality is still a problem as rural women have insecure rights to land. Women are involved in the production of half of the world's food while women own no land. The author found that patriarchal social and cultural structures exist in most African societies, which are oppressive towards women leading them to suffer in all aspects of life. The author pointed out that in Nigerian customary communities, land belongs to a clan system that distributes and transfers land to males. Women get temporary access to land for farming through their husbands, own brothers or male relatives, while control and ownership of family land belongs to males. Once their husbands are deceased, women are not allowed to inherit their husband's property as inheritance goes to the brothers-in-law. This study argues that statutory laws, inheritance customs and practices should be adjusted for the provision of inheritance of property ownership to women. Another study conducted in Nigeria by Ajala (2017) reveals that Nigerian women are discriminated from accessing and owning land through traditional cultures and gender inequality. The author found that there is extreme poverty among Nigerian women because of their exclusion from land ownership. Ajala (2017) recommended that land redistribution reform in Nigeria that should be done to address the problem of gender discrimination in land ownership.

In Cameroon, Njieassam (2019) investigated the land rights of indigenous women and indicated that indigenous of Cameroon encounter discrimination on land. The author divulged that land in ancient times was considered as a gift from the ancestors, which explains why it was preserved and shared with future generations. In this era, the chief in control of land would hold the land for the whole community to distribute it in portions to families according to their needs such as hunting, farming and building. Women would have their share or access to land for food production, which was the use right. The customary laws in Cameroon govern land rights of indigenous communities and customary laws consider women as weak and incompetent citizens since women are denied access and control over land. Additionally, the author states women were not trusted since they move from their families once they get married, meaning that

they would move with the inheritance of their clans to the second families. Laws in pre-colonial Cameroon system were based on indigenous customary laws (Fonjong, Fombe & Sama-Lang, 2012:576). Women were discouraged to from investing in land and food and, as such, they were treated as peasants without rights in their communities. Indigenous women experience discrimination based on ethnicity, gender and class. Land legislation in Cameroon was adopted in 1974 to combine statutory and customary practices in the management of land (Fonjong et al., 2012:577). The challenges affecting indigenous women of Cameroon include lack of proper recognition by national government, lack of access and ownership to land, and poverty and exclusion by customary laws. Thus, the study by Njieassam (2019) recommended that government policies in Cameroon should attend to the needs of indigenous women and engage them in the decision-making process on land issues. Also, land policies in Cameroon should be revisited to include the needs of indigenous women.

Tschirhart et al. (2018:2) conducted a study in Malawi and found that gender inequality is shaped by historical and economic processes. The authors declare that there was demand of labour during the colonial and post-colonial government's privatisation caused by the production of tea and tobacco in Malawi and argue that with the rise of wage labour, men were needed to work in plantations, while women were excluded from participation in the market economy. There are more women in rural areas of Malawi and most are heads of their household. The communal land allocation system in Malawi uses customary laws rooted in inheritance of land through lineage of both matrilineal and patrilineal descent groups. While the Malawian Constitutional law of 1994 and land reform of 2002 support gender equality traditional authorities demand the use of traditional land system at the community level. Chiefs are more influential in rural areas and much respected. In their study Tschirhart et al. (2018) suggest that equal inheritance is not possible in improving access to land rights for women in rural communities because the inheritance benefit in customary tenure system either goes to men or women. Then again, Matinga (2015) conducted a study to understand the experiences of rural women towards property rights based on feminist theory in Malawi. This study found that the experiences of women are better looked at in relation with gender roles of men and women in households and within communities. The author states that there are unequal relations between men and women in rural Malawi regarding property rights. However, they argue that women, in terms of the matrilineal system, are supposed to be the owners of land households, but practically women have less little decision making

power on property matters and that has disadvantaged them in cases of divorce. Thereby, suggesting that land rights of women be secured to assist women for their development.

In Uganda, Obeng-Odoom (2012) conducted a study on land rights. The author explains that land reform in the country was exposed to different land tenure systems from five different regimes such as the customary system prior to colonisation, individual system during colonial rule, customary system during Idi Amin's rule and back to individual and communal land system (Obeng-Odoom, 2012:166). Most land in Uganda is held in the communal land system, with recognition of customary law by the Ugandan Constitution and this tenure system provides no formal documentation. The Ugandan Land Act of 1998 allows for the conversion of customary land into private land. According to the Ugandan Constitution of 1995, people may have lease rights, freehold rights, individual rights and customary rights (Obeng-Odoom, 2012:166). While the Ugandan Constitution approves customary ownership of land, the Land Act of 1998 also allows customary land to be converted to statutory or freehold land. Ugandan women still face discrimination in inheritance matters because customs and culture do not consider women and girls when handling inheritance matters (Kabaseke, 2020:15464). The author declares that Ugandan women face challenges related to unequal land rights and insecure rights based on unfair customary practices.

Nakanyete et al. (2020) conducted a study in Namibia on land rights of widows. The study revealed that gender inequalities in land exposed women to poverty, food insecurity and gender-based violence, while there is high gender inequality in Africa. The authors state that widows in rural areas experience lack of access to communal land although African countries have transformed their constitutions to provide women with equal rights to access land. Prior to the colonial era, Namibian women had to access land through their male families although they had no land rights. The authors state that there were no regulations established to protect women and, as such, land continued to be owned by males although wives were expected to care for farming land in homelands. In the absence of the main male household, the widow, through customary practices, loses her family land to her brother-in-law's. The traditional customs still discriminate against women in the process of inheritance of land. Since independence in Namibia, the National Land Policy and Communal Land Reform Act of 2002 made greater improvement in ensuring equal distribution of land and land legislation was

reformed to address issues of segregation and inequality. Land reform in Namibia was intended to bring changes on land dispossessed by colonial authorities (Mudau, Mukonza & Ntshangase, 2018:597). With the Namibian revised laws to redress the problems of land inequality, women would benefit from land. African customs in rural areas still hold that land should be allocated to married men and married women (Makhado, 2016:33). Nakanyete et al, (2020) concluded that Namibian widowed women are discriminated against by customary practices and lose land ownership when their husbands pass away since access to land rights for women depends on their relationship with male relatives. The authors concluded that the Namibian Communal Land Reform Act has not achieved the protection of women to get their land rights.

Kalabamu (2006) conducted a study in Botswana to explore the effects of patriarchy on land rights of women. The author (2006:238) expresses the view that patriarchy as a gendered power system created domination of power by males to give their sons inheritance and it permitted males to control their wives and children, with all productive resources in the public sphere belonging to males. The patriarchal system in Botswana allocated the role of building houses, producing crops, taking care of goats and sheep to women and males were allocated the roles of looking after cattle and hunting (Kalabamu, 2006:239). With these patriarchal practices, women are deprived of their legal rights to control resources such as land (Lesetsedi, 2018: 197). The author declares that discrimination against women and denial of resources have placed Botswana women in poverty, especially female household heads. The Botswana Constitution and legislation had, since 1980, been revised to allow gender and equity to access land and housing by all households, but because Botswana is a patriarchal society where males still dominate over women towards owning of land rights.

Kaarhus and Dondeyne (2015) conducted a study in Central Mozambique to explore women's access to land during the formalisation process of customary tenure. The authors explain that Mozambican Land Policy was established in 1995 and Land Law was developed in 1997 to allow for equality between men and women, recognise local customs and practices. The authors explain that these legislations were meant to encourage investment by external investors in agriculture. That provision allowed investors to rent land in Mozambique for 50 years. Women are still limited to access and control land in rural communities although the Mozambican Constitution and Land Law allows them to access to

land (Kaarhus & Dondeyne, 2015: 200). Land law in Mozambique was intended to solve problems related to rural poverty (Walker, 2021:318). The author declares there are differences in the way inheritances are managed in statutory and customary laws and the customary laws discriminate against women. The author further states that Mozambican Law encourages equal rights for both men and women to inherit property while it does not provide legal protection to women. Walker (2021) concludes that Mozambican women get access to land through their relationships with their male partners.

In Ethiopia, a study on women's rights to land was conducted by Qoricho (2011). Land reform measures in Ethiopia support the inclusion of women, but Ethiopian women are still restricted to get access to land through unfair treatment by the government, communal institutions and traditional customs and practices. The roles of women working on farms were established through gender division, while rural women were not consulted during the formation of land laws. Ethiopia had problems that were created by different regimes that took control of land tenure system in different periods. During 13th century, the military armies expanded the territory of Ethiopian land through the conquest of wars (Haile, 2013:145). In the olden days, the Ethiopian land was easily obtainable by local people and land was distributed fairly among community members to accommodate their needs. People were allowed to rent land legally with no problems. The imperial regime of Ethiopia mainly promoted the rural agrarian economy. The land was distributed to peasants, while the state remained with ownership of all the land. Different systems of land tenure were used to manage land. and The Rist land tenure system was one of them used to allocate access rights to land for all male and female peasants that reside under the individual founder of the community and ownership was made collectively. The Peasant Association allocated land to heads of households, while most women who were not households were excluded in the process of land allocation.

Under land rights allocation in the Gult system, land allocations provided title land rights to individual members (males) of the ruling state who were rewarded for excellent service they provided to the state (Qoricho, 2011:34). The Gult landowners were mostly soldiers and members of the church who were required to pay taxes for the land awarded to them. Simultaneously, the church was granted land for rendering services to the people and priests rented part of the land to people to generate income. Religious land tenure was also male dominated (Haile 2013, 148). Land reform in Ethiopia was intended to redistribute

land to all people including peasants for the needs of the all-inclusive communities. Qoricho, (2011:34) argues that while land reform in Ethiopia managed to consider the rights of all people, it failed to consider the rights of Ethiopian women who were affected by the traditional tenure that does not approve women to be in control of land. Under traditional tenure in Ethiopia, land rights are transferred and inherited by male members, but these rights are not transferable to female members. Haile (2013:149) confirms that Ethiopian women are not treated equally as men when it comes to access, owning land and other productive resources because access to resources is determined by socio-cultural norms.

Magawa and Hansungule (2018) conducted a study in Tanzania to examine the protection of land rights for women. The authors declare that rights of women to land are acknowledged as human rights at international, regional and local levels and that laws in Tanzania are respected internationally for being the best in protecting the rights of women to land, but African tradition and culture deny women their rights to land. The National Land Policy of 1995 in Tanzania made provisions that promote equal distribution of land to be accessible to all Tanzanian citizens, including women. Through the Tanzanian Constitution, equal rights for both women and men were granted and these rights were extended to all women to use, access and control land (Dancer, 2017:294). A study by Magawa and Hansungule (2018) found that most rural women in Tanzania face challenges of being denied access to land by traditions and customs although there are best legal instruments in the country that give women equality to own and access land rights.

Mennen (2012) investigated customary land rights in South Sudan. South Sudan got independence after many land problems that resulted in conflicts, exploitation and wars. In South Sudan, land administration consists of three land systems: public, private and community ownership (Mennen, 2012:12). Public ownership of land is meant for the government, while private ownership of land is meant for individuals. and community ownership of land deals with the local community where its administration is the responsibility of chiefs and leaders. Under customary law in South Sudan land can be inherited, allocated, offered as a gift and can be purchased (Mennen, 2012:12). Land in South Sudan in the past was based on local customs (Justin, 2016: 427). This gave different tribes and land managers opportunities to manage land using different traditional ways accepted by customary law. Land legislation in South Sudan was formulated to guarantee

equal distribution of land resources to all people and promote peace. Mennen (2012:15) concludes that South Sudan's Constitution and Land Act support land rights of women, but these laws are not enforced effectively as such women lack land rights and awareness. Majority of women in South Sudan in both urban and communal areas do not benefit from land as women are not granted land rights (Mennen, 2012). The author adds that customary and formal institutions in South Sudan discriminate against women and women are required to pay for plots, while men do not pay for plots (Mennen, 2012:17).

Cain (2019) conducted a study on the land rights of women in Angola. Angola has been exposed to land conflict such as land expropriation, forced removal, resettlement and massive internal displacement of rural and urban population. Most people in Angola reside in rural areas with no recording of land and those that moved to cities got their land through informal land markets (Foley, 2007: 8). The author states that this situation has led to a few people having legal rights to their property. Land conflicts affect communities in rural, urban and peri-urban areas, particularly women (Cain, 2019:3). Angolan women lack assets, inadequate economic opportunities, and are uneducated because the customary laws and practices in Angola permit males to dominate politically, socially and economical (Cain, 2019:3). The author states that most Angolan women live in poverty because of being discriminated against by the customary law and practices that favour males while widows are unable to inherit their late husbands' land. Land allocation of rights in Angola is vested in traditional authorities. Customary law in Angola is recognised and traditional authorities were tasked with this role in the period of colonial rule and civil wars (Cain, 2019:6). Traditional leaders are conservatives who do not believe that men should own land, rather than women. The Angolan Constitution made provision for equal access to resources by both men and women. The Family Code covers provisions of the rights to access, own and inherit land. According to (Odeny, 2013:11) African countries, including Angola, have promising constitutions that prescribe equal treatment for both men and women, but the laws and policies for their implementation do not protect the rights of women to land. The author suggests that governments should address gender issues in land administration to consider the involvement of women in land. It is said that most Angolan women lack knowledge about land laws and their rights to land, inheritance and marital property rights, while local authorities I also lack understanding about statutory rights. Cain (2019) suggests that land rights and property rights in Angola should

be registered jointly to wives and husbands to allow married couples to benefit from land.

Makhado (2016) investigated land rights of women in Africa and states that since 1980 equal rights to land for women had been prioritised, but earlier they were generalised through international instruments. Makhado (2016:33) declares that in Africa women's land rights and the rights of men are not treated in the same manner in the management of traditional customs, cultural practices and customary laws. Women have been treated as if they are domestic wives and farm labourers because traditional customs consider land to be owned by males. The needs and rights of women seem do not to exist. Women were required to get their share to land through their association with their male family members. Married women are at an advantage in getting access to land, while single women and widowed women are disadvantaged when it comes to land access. Through the application of democratic principles in South Africa, land ought to be distributed equally among citizens. This means that those who were discriminated against by past laws, such as women, may continue their farming activities and reduce poverty.

Ngomane (2018) conducted a study that examined women's control and ownership of land in Mpumalanga Province, South Africa. The author confirms that land is important for improving standard of living, economic independence, empowering of people and may improve the social status of women. Most South African women lack access to land while there are legislation and policies adopted that support equal rights of both males and females. Paradza, Mokwena and Musakwa (2020:3) argue for women's access to secure land rights because, with land, women may have a chance to access land resources, welfare, productivity, empowerment and to make decisions in their communities.

Lemmen, Unger, Lengoiboni, Balas, Saad, Bennett, Oosterom, Zevenbergen and Vranken (2019) conducted a study to explore and assess Social Tenure Domain Model (STDM) and Land Administration Domain Model (LADM) for gender equitable land administration. The authors state that in many regions, cultures and religions land rights of women are problematic. The Sustainable Development Goals (SDGs) target t land rights and property rights of women in a way that ensures eradication of poverty (Lemmen et al., 2019:155). Lemmen et al. (2019:162) argue for the recording of both land ownership and land use to attain gender equality, which is crucial in achieving equal land rights for both women

and men as required by the SDGs and global policies. Wysokiniska (2017: 111) added that SDGs allow all partners to share equally in responsibilities and may bring financial development to families. Prosterman (2013:149) argues for joint recording of names of both partners in land as this secures rights for both men and women within the household. It is said that many countries do not have recording of land rights of both genders and some countries have no updated records. It is said that land rights of women in the process of formal land registration are affected since the rights of women usually get lost in the process of formalising customary tenure system to formal administration system. In traditional land tenure, land rights ownership is acquired without provision of confirmation of ownership. The authors recommend the use of LADM because this system can be used in the implementation of laws, politics and control of the land administration system. LADM is also recommended for its ability to capture data on informal rights. Lemmen et al. (2019:173) argue for the necessity of effective communication to reach various organisations, including national and regional levels, for knowledge about functionalities of LADM. The recording of both primary and secondary land rights may be beneficial to women in protecting their land and homes when there is need to rent out, sell or defend their property.

The section that follows describes capitalism and patriarchy systems including the functionalist approach.

2.6.2 Capitalism, patriarchy systems and functionalist approach

Capitalism is an economic system that believes in private ownership of production (Sargent, 2006:282). Sargent distinguished two economic groups that were found by Marx in the mid- nineteenth century as the 'bourgeoisie', known as capitalists, and 'proletariat', known as workers. Rousseau (2013:197) states that the capitalist system encourages private property and ownership, while this system is dominated by patriarchy. Rousseau further argues that the capitalist system makes it impossible for women to get opportunities to exercise their freedom and independence rights because it supports women's labour exploitation. In the Marxian view land, labour and capital are connected because these are the three sources of production found in communal, feudal, capitalist, or socialised communities where human power is joined to land, production is made by labourers, while surplus and benefits belong to the capitalists who are owners (Obeng-Odoom,2015:340). Landlords own the means of production for their land and property while labourers own nothing.

Capitalists are owners of productive resources, while workers are labourers who do tough work to get money for a living. The capitalists, in Marxist thought, represent the minority group that owns resources for their luxury whereas workers are the majority group that have no ownership of resources (Helaly, 2016:101). Marx criticises this economic system in that it involves exploitation of the majority workers by the minority capitalists, leading to workers being prevented from succeeding as individuals since they are denied education and awareness to see their situations (Sargent, 2006:165). The capitalist system discriminates against other people such as women and children who are regarded as minors. The apartheid South African government, through the Natives Land Act, successfully acquired cheap labour from African labourers who supplied labour for mine owners, while families of workers stayed in rural areas to cut down cost to mine owners (Beinart & Delliuss, 2014:681). Additionally, the apartheid regime regarded women, widows and the aged as non-productive citizens wanted them to remain in rural areas (Luwaya, 2018:105). Women and old people were defined as inactive, and no provision made for them for access to income or financial support from the government for their livelihood. This means that South African women and the old people had to depend on land for survival.

According to Kalabamu (2006:238), patriarchy is a gender system of social structures and practices arranged in such a way that allows males to use power to control, oppress and exploit females. Kalabamu (2006:238) explains that in this system males dominate in power and, in the process, pass their inherited resources to their sons, get labour from their wives and children, and control all productive resources in life. In this way, males tend to be treated better females as they get the biggest share of productive resources in life. Gender relations determine how people interact with one another and determines gender roles in society. Patriarchal societies place males in high level positions in the socio-economic and political arena. Kalabamu (2006:238) points out that the patriarchal system creates class relations within families that expect women to be the producing class, while men are the expropriating class. The author further explains that patriarchy, at the workplace, excludes women from attaining the best jobs, but assigns women to the least unskilled work with low wages. Women tend to be at lower ranks in employment. Preserved positions for women are often roles connected with cleaning services, cooking, and caring jobs, whereas patriarchy in government and cultural establishments produce systems that are unfair towards women, but give benefits to men. Additionally, women were made

to accept their inferior status since they become silent even if they do not agree with decisions made for them.

In the functionalist approach, there is specialisation in roles performed by people based on gender and abilities (Giddens et al., 2016:281). The functionalist understands biological makeup as the basis for making decisions on the roles of people in society since, according to this view, women and men are placed in different roles. As such, women do jobs that relate to caring for the sick, old people and children, while men are seen as strong and perform jobs that need a lot of thinking and strength. In justifying the functionalist view within the family, domestic work is assigned to women. In contrast, men are assigned more responsible jobs that involve fieldwork, leadership and management of productive resources. This system relates to social relations structure. South Africa is a patriarchal society where males tend to dominate over females in public and private life (Albertyn, 2011:140). This has resulted in women having no access to, and control and ownership of resources. In addition, women lack power to make decisions in areas that affect their lives. Sikwela et al. (2018:481) argue that the level of inequality should not only be indicated by income but should also consider other indicators of inequality such as access to assets, access to services, opportunities and social capital. Sikwela et al. (2018) further argue that in South Africa land acquisition through land reform has made little progress to advance black communities which are still living in bad conditions that lack adequate infrastructure. The section that follows describes the legislation applicable to land in South Africa.

2.7 Legislative framework and policies on land in South Africa

Land issues in the South African context are important to understand transitional justice and the roles of instrumentalism and symbolism involved in politics (Gibson, 2010:141). The author expresses the view that land is preferred by some people as a measure to restore justice for redressing land policies of the past, while other people may see land as a measure for redistributive justice that provides land on which people may live and work. Gibson (2010:163) concludes that land, for most Black South Africans, represents a symbol of historical injustice of apartheid and colonialism and for that reason; there is strong support for redistribution of land. Historically, colonial and apartheid systems in South Africa had features of racism and inequality and laws were passed for segregation purposes. These laws influenced how land was distributed among South African citizens.

2.7.1 Segregation legislation

The issue of land possession in South Africa started in 1652 with the arrival of the Dutch settlers. followed by the French Huguenots and the British who on their arrival in the Cape appropriated fertile land of the indigenous people for their economic growth (Commey, 2013:2). Commey further declares that land issue is a problem that has affected Black communities for more than 100 years since Blacks still struggle to get land and they are poor in the post-apartheid South Africa. Land belonging to Khoisan and Africans was taken by the settlers to expand their authority, which then led to formulation of legal measures and privatisation of land (Beinart & Delius, 2014: 669). During the colonial era in Africa. land had been a problem and it is still a burning issue in post-colonial Africa (Yingi & Sithole, 2018: 502). Under the apartheid system in South Africa, the most influential legislation and policies on the land rights of people were the Native Land Act 27 of 1913, Development Trust Land Act 18 of 1936 and Group Areas Act 41 of 1950 and Act 36 of 1966. The following section discusses historical legislation relating to land under the apartheid system in South Africa.

2.7.1.1 Natives Land Act 27 of 1913

The Natives Land Act 27 of 1913 was one of the apartheid laws passed to discriminate against South Africans in terms of race. The Act was deliberately designed to prohibit Black South Africans from occupying owning land areas that were designated for white communities (Beinart & Delius, 2014: 670). Through the Natives Land Act of 1913, Black South Africans were dispossessed of their land and were allocated land in the infertile regions of Transkei, Bophuthatswana, Venda, Ciskei (TBVC states) and self-governing territories of KwaNgwane, Lebowa, Gazankulu, Qwaqwa and KwaZulu (Gumede & Makuwira, 2018:569). Approximately 3.5 million Black South Africans living in urban and rural areas lost their land during the evictions by the apartheid politicians (Mekoa, 2018:362). This resulted in Africans being allocated only 13% of the land, while most y fertile and productive land was allocated to Whites (Makombe & Phago, 2018:280). The homelands, through this law, were meant to house black people in rural areas according to their ethnic groups. Through the Natives Land Act of 1913, Africans who were residing in land areas meant for Whites were expected to provide 90 days services in a year to the landowners (Beinart & Delius, 2014:670). Non-white citizens were not permitted to own land or rent property in areas of their choice. In cases where non-Whites were found in the White designated areas, they were removed by force to designated areas where their language was spoken. Many

Black people in South Africa lost their land rights, ancestral land and private properties as a result of the implementation of the Natives Land Act of 1913 (Gumede & Makuwira, 2018:569). Majority of South African rural women were excluded from voicing their views regarding processes and implementation of programmes offered to improve their livelihoods. (Moyo, 2014:5995). Women were also deprived of exercising their citizen rights as they were totally excluded from gaining access to land and making decisions related to land through the legal framework and traditional practices.

Luwaya (2018) conducted a study on the land rights of rural women in the communal land of South Africa and confirmed that the land problem in rural areas of South Africa originated from the colonial and apartheid governments. which is still a concern in post-apartheid South Africa. Through the Natives Land Act of 1913, women legally lost their status. Black South African women were regarded as minors relying on their husbands for living as recorded in section 11(3) (b) of the Black Administration Act 38 of 1927 (Luwaya, 2018:105). While the labour market was available for men in urban areas, rural women were left in rural areas to manage homes while their husbands were working in the urban areas. That led rural women to depend more on the land for farming to get food for whole families in the absence of their husbands. Luwaya confirms that the Natives Land Act of 1913 described black women, widows and old people as non-productive and, as such, were forced to remain in the homelands. Luwaya (2018:106) argues that when black communities lost their land, black women lost their rights to land, dignity and their productive value on land. Luwaya (2018: 109) recommends that legislators in South Africa should promote and protect the legal security of women to land and women's needs should be defined by affected women. The author further suggests that South Africa's land administration structures should be reviewed and structures that do not comply with gender equality prohibited.

2.7.1.2 Development Trust Land Act 18 of 1936

The Development Trust Land Act 18 of 1936 was designed to create trust tenure for residential support and provide for welfare of the native. This Act complements the design of the Native Land Act of 1913. Through this Act, black communities were prevented from getting individual ownership of land. The Development Trust Land Act 18 of 1936 ensured that South African land occupied by the black communities remained at 7% as it expanded the relocation areas of black communities to the homelands and further prevented white communities from being surrounded by black communities (Gibson, 2010:138). The land areas

occupied by black communities were further reduced as the government expropriated bulk of the land for public welfare to build hospitals and schools without the consent of the communities affected. This Act was used to support racial segregation. Through this Act, divisions and discrimination led to unequal distribution of land among South African citizens, which resulted in women having low economic status. The rights of women to improve their socio-economic status were denied, leading women to lack employment among women as they were relocated to rural areas away from cities. Akinola (2018a:12134) confirms that apartheid laws excluded women from participating in economic activities such as migration labour as the laws treated females as subordinates to males.

2.7.1.3 Group Areas Act 41 of 1950 and Group Act 36 of 1966

The Group Areas Act 41 of 1950 and Group Act 36 of 1966 were enacted to enforce racial classification and control the acquisition of immovable property of land and properties (Kloppers & Pienaar, 2014: 686). These Acts were meant to prevent non-white citizens from residing in the same areas with white citizens. According to these laws, black South African citizens were assigned to reside in specific residential areas designated for their ethnic groups. The Group Areas Act 41 of 1950 succeeded in promoting the interests of the dominant white citizens and improved their wealth, while black citizens remained poor and without land. These Acts were very harsh to non-Whites in their country of birth, while minority Whites were favoured to live free and better lives.

With the implementation of racial laws in South Africa, there was an imbalance in access and ownership of land because with the implementation of racial laws Black South Africans could not access land (Moyo, 2013a:5394). The author suggests that rural women be given an opportunity to participate when government programmes are initiated, implemented, and evaluated. Rural women's needs related to land were neglected as Africans were excluded from accessing land rights and other productive resources. The authorities of the colonial and apartheid governments intended black women to live at home to care for their children and families. Women's challenges arose from their unfair treatment as both minors and domestic caregivers, yet they had to be in control of all activities in their households in the absence of their husbands with no resources to effectively support their households. The exclusion of Africans in rural areas from land resources had an impact on their social, political and economic status as it produced poverty and underdevelopment in rural areas. Namubiru-Mwaura (2014:1) argues that land for women is an entry to get into

economic markets and non-market institutions, which are available at the household level, community level and at government and non-government structures to give women power to make decisions. The author argues that women with access to land, productive resources and knowledge about their rights will not be affected by disasters of the economy when they reach old age or in the absence of their male relatives since they may be able to maintain their families. Namubiru-Mwaura (2014:24) concludes that poverty may be reduced if women have land because they may have income to spend on food, health and education for their children. This means that women may enjoy their equal rights to land and the standards of living in their families may be improved.

2.7.2 Post-apartheid regulation and policies on land

Since 1994, several unfair South African laws have been reviewed to redress past injustice caused by the apartheid system. The laws were revised for inclusion of marginalised people in all sectors of the economy. The Government of National Unity was established to ensure that power is shared equally and to recognise the diverse cultures of the people of South Africa. The laws were passed to protect the basic human rights of citizens and to ensure that people have equal protection under law and can participate fully in the political, economic and life general.

2.7.2.1 The South African Constitution Act 108 of 1996

The Constitution of the Republic of South Africa of 1996 was formed and made a supreme law above all laws. This Act serves to promote and protect the human rights of people. The South African Constitution is a legal framework that also fulfils the purpose of transforming the political, social, economic and cultural development of the people (Ozoemena, 2018:14). The South African Constitution guarantees equal human rights to its citizens (South Africa, 1996a:5). This means that South African citizens share equal rights, values, freedom, dignity and all the benefits in natural resources including land.

The South African Constitution states that equality rights include full enjoyment of all rights and freedoms. It states that people may not be discriminated against based on gender, race, culture, sex, marital status or any category that involves discrimination. The South African Constitution in section 25 (4) of the Bill of Rights provides citizens with equal rights to access natural resources, including land, which has to be implemented through land reform (South Africa, 1996a). According to Section 25, the government of South Africa has the responsibility for

land. The Bill of Rights, in Section 25 (5) and 25 (6), requires the South African government, through the use of legislative and other measures, to assist citizens who are unable to access land equally as other citizens and these include people whose tenure has been legally insecure because of historical discriminatory laws (South Africa, 1996a: 10). This implies that women, as disadvantaged group that suffered discrimination in the past, need to be given an opportunity to enjoy their rights that include social, political, economic and cultural rights, which are granted by the state. The South African Constitution also provides access to housing rights to South African citizens and the realisation of this right may be achieved through legislative and other measures (South Africa, 1996a:11). Women, equally as men, need to benefit from productive resources, including land. Housing rights provided to women may uplift their worth or respect, which has been undermined by past colonial and apartheid rulers, and patriarchal and traditional attitudes. Democratic rights encourage citizens, through their civil and political rights, to make free choices to occupy land in places they chose. In a democratic country, when programmes are developed, people affected should be engaged in the decision-making (South Africa, 1994:9). In democratic state, power is held collectively by citizens. Access to land rights for ordinary people and women who are living in rural areas may provide them with power and many benefits to use land, build on land as they wish, choose to sell land or lease their land.

Land reform aims to reduce poverty and resolve issues of gender inequality (Akinola, 2018b:3) Women are the poorest and weakest group in society that lack finance, employment, experience, education, and other skills necessary for meaningful livelihood. The South African Constitution provides citizens with the right to access healthcare services, sufficient food and water, social security and realisation of these rights has to be achieved through legislative and other measures (South Africa, 1996a:11). The South African land reform programme was meant to improve economic growth and eradicate poverty. The implementation of the land reform programme was criticised for being ineffective in opening opportunities for women (Moyo, 2013a: 5157). This means that women's legal rights to equal access to land are not protected, while they are the most disadvantaged group in need of land and adequate housing. According to the South African Constitution, land reform has to bring equitable access to natural resources to South African citizens (South Africa, 1996a:10). The Constitution states that property does not only involve land but offer opportunities for shelter through housing rights. All people in South Africa have rights to access

adequate housing and the state is obliged to ensure that housing rights are achieved within its available resources.

The economic, social, political, cultural, and civil rights are recognised as fundamental rights in the United Nations Declaration of Human Rights Framework (OHCHR Report, 2013:9). The rights to freedom and dignity are respected and acknowledged as important rights and are applicable to all people, including rural women.

2.7.2.2 Reconstruction and Development Programme (RDP)

The Reconstruction and Development Programme (RDP) is policy framework that was establishment to facilitate socio-economic progress in South Africa (South Africa, 1994:7). It involved transformation of South African society. It encouraged people to be engaged in decisions and implementation of development programmes. The South African government, through RDP, acknowledged communities are made up of inherited uneven welfare systems that were dominated by colonialism, racism, apartheid, sexism and oppressive labour practices (South Africa, 1994:7). Hence Consequently, the RDP was necessary as an instrument to end poverty, build modern cities, develop mining industries and give value to people who were marginalised such as women, rural people and the youth.

The (RDP) was introduced to meet the basic needs of people, develop people in urban and rural areas for involvement in decision making process, build the economy and guarantee obeying the democratic practices by the state and society (South Africa, 1994:9). It was set to address the issue of gender inequalities, end racial divisions, encourage equal participation and advance the standard of living for all South African citizens. It was designed to preserve basic human needs, build the economy and create the South African democracy. The RDP was made to reach the most vulnerable groups, empower the community, co-ordinate programmes that provide for the needs of people living in poverty and marginalised people to reduce dependency on the State. On land, the RDP acknowledges that land distribution and ownership were skewed and it was the starting point for improving the land reform process to develop and support sustainable rural development through land reform, land redistribution, employment reform and human settlements. Therefore, the RDP for women meant an opportunity to get them empowered for economic growth and a chance to be involved in decision making on land issues.

2.7.2.3 South African Land Policy of 1997

South Africa Land Policy of 1997 acknowledges that during the apartheid era land policies were based towards race and caused insecurity, landlessness and extreme poverty to Black communities (South Africa. Department of Land Affairs, 1997:6). The South African land reform programme was developed to redress injustices occasioned by apartheid system, create economic growth, improve the lives of people and eradicate poverty (South Africa. Department of Land Affairs, 1997:7).

The Land Policy consisted of three programmes, which were land redistribution, land tenure and land restitution. Land redistribution looked at provision of land to the poor and disadvantaged people for residential and productive purposes in both urban and rural areas (South Africa. Department of Land Affairs, 1997:13). Land tenure reform considered improvement of secure tenure for South Africans, including communal tenure and land restitution, which meant recovering dispossessed land after the forced removal since 1913 as a result of racial discriminatory laws (South Africa. Department of Land Affairs, 1997:32). The Land Policy of 1997 acknowledges that previous land laws were unjust and based on racial lines, leading to insecurity, landlessness and poverty amongst black people, while there was inefficient land administration and land use. The White Paper on land policy in South Africa was developed to redress injustices caused by the past land legislation. The Land Reform Policy in South Africa was designed to address the socio-economic problems of the country (Dlamini & Ogunnubi, 2018:340).

Land Policy in South Africa stresses the need for providing land to farm workers, labour tenants, women to get food for their families, creation of employment and poverty elimination (South Africa. Department of Land Affairs, 1997:52). Reform of land policy was necessary because the previous system created by the colonial and apartheid system in South Africa led to unequal distribution of land to majority of South African citizens. Most Black South African citizens were denied access to land on racial lines. Black South African women too were denied access to and ownership of land. Women's human rights were violated since they were unable to exercise their rights to land. According to Okumbor et al. (2018:451), South Africa's land reform was meant to give households an opportunity to increase their economic development through people's involvement in the production of land and to open opportunities of employment. The Land Policy of 1997 brought hopes to the lives of women as it was the first time that the law recognised South African women when rights of citizens were cited in the law. Land The Policy was

developed to provide land rights for all people in both urban and rural areas. It showed commitment to South African citizens as it aimed at correcting injustices related to land, ensuring that land is distributed equally among people and to make provision for security of tenure for all people.

Since the Land Policy of 1997 addresses the constitutional principles and supports the equality rights of people, women's rights can be improved to allow them access to and ownership of land. Moyo (2013b:5157) argues that reforms on land would contribute to economic growth as households would engage in productive land use, increase employment levels and improve the rural economy. With implementation of land reform policy, equality would be achieved as women who are the neediest and most disadvantaged group that rely on land for their living. The land reform policy was introduced to support South Africa's constitutional principles that protect, respect, encourage and accomplish equal property rights of all people, including those of women. Section 25 of the Bill of Rights declares that no one may be disadvantaged from acquiring property right. While everybody has the right to have adequate housing and the laws and policies are in place to support rights to housing, women's land rights in communal areas are neglected by traditional culture that does not see women as owners of land. The system of traditional law and practice is also acknowledged by the South African Constitution.

According to Kepe and Hall (2018:134), land reform in South Africa still shows signs of the colonial and apartheid system because implementation of land reform is not fully effective to achieve what it promised to achieve. Kepe and Hall (2018) further argue that the South Africa's land reform failed to redress problems related to inequality related to land that includes racism, gender inequality and human dignity. The authors conclude that land for human beings is a main resource for identity, shelter, family, heritage and livelihood. They suggest that land reform should be implemented in a way that encourages all people to benefit from land. The land reform programme in South Africa was set to give access and ownership to land to communities in rural and urban areas for effective social and economic development. It was intended to address the issue of denial of women, who are the majority and poor people and to develop their economic position.

Yingi and Sithole (2018:503) declare that land reform is a severe problem that needs careful consideration currently than before. According to these authors, there are still visible elements of land inequality based on race in the post-

apartheid South Africa. The problem noted by these authors is slow implementation of land reform due to problems related to finance, infrastructure and capacity. The problem with land became apparent because of inequalities that occurred in the control of resources. According to Sikwela et al. (2018:481), land reform in South Africa has not been successful in achieving its intention of reducing poverty and income equality, which are challenges in South Africa that affect mainly the black population. Sikwela et al. (2018: 485) suggest that land should be made available to the rural poor who are the targeted beneficiaries of the land reform programme as they are poor, uneducated, lack income and skills. The authors recommend that the rural poor be assisted with funding for input supply, extension, training, credit, infrastructure development, marketing and others. Sikwela et al. (2018:484) suggest that land redistribution be prioritised to address the challenges of poverty, unemployment and inequality that are currently pervasive in South Africa by distributing farming land to the rural poor who are the majority in the country. In this regard, the authors suggest the beneficiaries of land reform programme be involved in the planning stage of land redistribution and permitted to choose their own farming activities with the assistance of professionals.

Historically, land reform has been a problem that was used internationally for different reasons (Mudau et al. 2018:580). Mudau et al. (2018:582) point out that land reform has been used as an instrument for oppression, to allow landless people to gain property rights, to give access to property through renting and farm labour, while in other places land has been used to oppress people. Mudau et al. (2018:581) argue that the motivating aspect of land reform is its benefit to give land to the rightful owners, provision of land access for certain purposes, such as secure tenure, trading, infrastructure development, commercial support and human dignity.

Golele, Mautjana and Makombe (2018) investigated the effectiveness of land reform in South Africa. They argue that land reform comprises both political and economic approaches. Through the political approach, land reform tends to redress problems caused by past political racial system that deprived majority black citizens of their rights to land. The economic view of land tenure addresses the achievement of public policies for the benefit of poor people to ensure that their problems and needs are addressed.

For many Black people in South Africa, land distribution is still a problem to be resolved as there are many people who are still landless. The land rights of majority blacks in the country were violated as they were powerless and unable to enjoy their freedom rights and equal rights to land. Women were also deprived of their rights to enjoy their citizen rights as they were totally excluded, based on gender, from gaining access to land and decisions related to land through legal framework and traditional practices.

Equal rights are essential in a democratic state to ensure that all people are treated equally and with dignity. In South Africa, the Constitution is the supreme law that lays the ground principles of equality, which are addressed in Section 9 of the Bill of Rights (South Africa:1996a:5). The Constitution prohibits discrimination of against people based on gender, sex, race, marital status ethnic, age and other unfair treatment. Equal rights for South African women are necessary as an opportunity for women to fully enjoy their freedom rights in social, economic and political matters in the country. For rural women, equal rights are an opportunity for these historical disadvantaged women to access land. Therefore, land rights are the solution for women to escape from poverty and be able to provide food for themselves and their families.

2.7.2.4 Communal Land Rights Act (CLaRA) 28 of 2004

The communal land tenure system was designed for black communities in rural areas of South Africa. The Communal Land Rights Act 28 of 2004 (CLaRA) was passed to improve security of land tenure in rural areas. Bohler-Muller and Daniels (2009:26) argue that although the Communal Land Rights Act was enacted to solve problems related to unfair discrimination of women and provide security of tenure in the rural areas, but the Act failed to secure the land rights of women.

Allocation of land in communal areas is the responsibility of tribal authorities. The security of land in rural areas is regulated by customary law. Land in rural areas is owned by the state and it is owned collectively. In South Africa, traditional leaders were put in charge of land resources in ex-homelands and are still responsible for land allocation in rural areas of the former homelands. During the colonial and apartheid regimes, distribution of land resources was unfair since it benefited only a few South Africans, while majority of citizens, including women, had no land. Bohler-Muller and Daniels (2009: 27) recommend that South African customary law be reviewed to ensure that it complies with the South Africa's

democratic principles to respect gender equality. In this way customary law may be applied by traditional authorities in a manner that supports the democratic values of human dignity and freedom rights of people as guaranteed in the South African Bill of Rights. Women's rights to access and exercise control over it may not be violated by the practices of traditional authorities.

Ramutsindela (2012:754) states that the European settlers, on arrival in Africa, disapproved land ownership of indigenous Africans as they assumed that land with no documentation had no ownership, while traditional leaders knew their land boundaries. Consequently, a dual land tenure system was created to benefit European settlers on African land, while it disadvantaged indigenous African people. For white communities, land was designed to be owned privately with a legal system to regulate it, while land for Africans was designed to be commonly shared, owned by the state and regulated by customary law. In South Africa, communal land is still regarded as state land. As representatives of the state, traditional leaders follow the authoritative style of leadership of the previous apartheid government when ruling in their traditional territories.

In post-apartheid South Africa communal areas, traditional leaders have the role of managing land in most rural areas. However, in 2010, the Act was not fully implemented because the South African Constitutional court found that the Act neglected to consult other communities and organisational structures during its formulation process (Bank & Mabhena, 2011:95). The authors further declare that the Act was disputed because it omitted customary practices and failed to consult ordinary people in rural areas for their voices to be heard. The authors argue that communities that were consulted thought that they would get the title deeds on their land, which would improve their economic power when they borrow money from the bank however land in communal areas remain informal with no title deeds. It is also indicated that other people thought that CLaRA would establish procedures to be followed for the allocation of land but the act made no provisions to guide the process for land allocation. The Act was disputed by the Constitutional Court because in its legislative process, the Act failed to consult communities at the provincial level (Claassens 2013:75). As such CLaRA was placed on hold by the judicial court for revision to be replaced by the new Act that still has not yet been formulated.

2.7.2.5 Communal Property Associations Act 28 of 1996

The Communal Property Associations Act 28 of 1996 (CPA) for communities to acquire and manage property in common and as groups (South Africa, 1996b: 2). This Act serves to enable a group of people or community to acquire right to land in rural areas through formation of association. It allows for the establishment of legal land holding entity. The Act has no guidelines for land allocation process but requires that the person appointed to allocate land conforms to the South African Constitution, Bill of Rights and democratic principles when allocating it. It also requires the person appointed to manage land to ensure that communities are informed of the CPA. The Act provides for the establishment of communal institutions that are non-discriminatory and should practice equitable democratic principles. It promotes protection of members from being abused by the other members of the institution. People, usually male household members who own land in communal areas are issued with permission to occupy (PTO) certification as proof of ownership and the process begins when the person in need of land identifies the land to the sub-headman and from there the application is submitted to the headman and the process ends at the tribal authority (Ntsebeza, 2004:77). The PTO certificates, in the past, were issued and are currently issued to the holder of the land with no gender specified. The power to allocate land in rural areas was assigned to traditional leaders during the apartheid era and traditional leaders in post-apartheid South Africa still hold that power for management of land.

2.8 International frameworks supporting gender equity

There are international frameworks that promote gender equality such as the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) and Sustainable Development Goals, Millennium Development Goals, and the United Nations Universal Declaration on Human Rights. The Convention on Elimination of All Forms of Discrimination against Women (CEDAW) is an international agreement that was adopted in 1979 that protects and respects the human rights of women through response to the issues of oppression and struggles experienced by women. It serves as a guarantee in the fight for against discrimination of women to ensure that they are treated fairly. CEDAW promotes equality between men and women. Therefore, the Convention requires member states to make improvements in the way they treat women through by developing measures to eliminate every practice that discriminates against women.

CEDAW provides for the protection of rural women on land as the convention requires member states to develop measures that prevent discrimination against rural women by giving them access to land, agrarian reforms, agricultural credit and loans, marketing facilities and settlement schemes (Gilbert, 2013:121). The author further declares that governments, as signatories to the convention, have commitment to give married couples an equal share to access, manage and own land. The Convention obliges countries to distribute land fairly among groups of people without discriminating against women and encourages equal rights for all people throughout the world. CEDAW encourages member states to ensure that women are treated equally in the distribution of land, enact land laws and institute land systems that allow women to access and own land equally as men.

South Africa is a member state of CEDAW. By signing this treaty, South Africa agrees to take measures that support equality of people. Historically, majority of rural women struggled for access to and ownership of land in South Africa. Dlamini and Ogunnubi (2018:341) state that in post-South Africa few Black South Africans have gained access to land. This means that South African women still suffer inequality and CEDAW supports equal rights of people.

The Millennium Declaration is a framework that was adopted in 2000 by different states in the world and development institutions. The Framework was designed with the aim of ending poverty globally. It set out measures for the attainment of eight goals, which are: (1) eradication of extreme poverty and hunger; (2) achievement of universal primary education; (3) promotion of gender equality and empowerment of women; (4) reduction of child mortality; (5) improvement of maternal health; (6) combating of HIV/AIDS, malaria and other diseases; (7) maintenance of environmental sustainable; and (8) development of global partnership for development (Wysokinska, 2017:101). The third goal of the Millennium Declaration framework focuses on the need for gender equality and empowerment of women. Gender equality and women empowerment are the main components necessary for the least developed countries in their attempt to achieve Millennium Development Goals (Ogato, 2013:360). The author argues that most women are poor. Therefore, economic empowerment of women may improve their livelihood within their families, communities and at the national level. Additionally, gender empowerment may be helpful to encourage women to participate in education and the labour force (Njoh & Ananga, 2016:92). The authors argue that empowering women may improve their skills and talents and gender-based discrimination may be prevented. Njoh and Ananga (2016: 101)

argue that it is difficult for people without money to purchase formal land in Africa since private land is expensive and requires a lot of paperwork. The authors suggest that women be encouraged to fill positions in the formal labour sector so that they have opportunities to buy their own land. Njoh and Ananga (2016:101) express the view that women need to be empowered to enable them to be independent and, in this way, they may understand the procedures used in the application for land.

Sustainable Development Goals (SDGs) were established in 2015 to promote universal sustainable development. There are 17 goals with 169 targets involved. The goals are: (1) No poverty, (2) Zero hunger, (3) Good health and Wellbeing, (4) Quality education, (5) Gender equality, (6) Clean water and sanitation, (7) Affordable and Clean energy, (8) Decent work and economic growth, (9) Industry innovation and infrastructure, (10) Reducing inequality, (11) Sustainable cities and communities, (12) Responsible consumption and production, (13) Climate action, (14) Life below water, (15) Life on land, (16) Peace and Justice strong institutions and (17) Partnership to achieve the goals. The three main elements of SDGs are: social, economic, and ecological (Wysokinska, 2017:111). The focus of these goals is to ensure that poverty in the world is eliminated and that all people have a better life. Agarwal's (2018) study on gender equality, food security and the sustainable development focused on SDGs, three goals of which are important for this study, namely: (1) end poverty, (2) zero hunger and (3) gender equality. The author argues that secure land rights could improve women's access to productive resources and their power in making decisions in their families. Agrawal (2018:27) notes the limitations that affect women in agriculture as discrimination by male dominated inheritance laws, social norms, land, markets, and government land distribution systems. The author (2018:30) suggests that gender equality for food security must be accomplished through the establishment of group farming programmes to support growth of food security for women and their families. In this regard, plots or gardening for women may be beneficial as women may have enough food and sell the surplus to get income for other households needs. The wealth connected with land may be shared among all citizens so that women's economic status may improve. Women may generate their own income through use of land without begging from their spouses and family members. Lemmen et al. (2019) suggest that both land ownership (primary rights) and land use (secondary rights) need to be registered to allow gender equality on land for the rights of both women and men as required by the SDGs and global policies.

The Universal Declaration of Human Rights (UNDHR) is an international statement that was put forth to protect the human rights. The UNDHR provides people with human rights that are equal and are respected as people have birth rights (Arat, 2015:674). UNDHR ensures that people are not discriminated against based on their status, race, colour, sex, religion, language and others. It provides people with rights to life and security. It does not support any kinds of slavery. It gives people rights to property. It and provides rights to standard of living such as food, clothing housing, healthcare and security, and. promotes gender equality through the establishment of Commissioner for Human Rights, which is an international entity that promotes and protects human rights of all people (Office of the High Commissioner for Human Rights Report 2013:7). The United Nations High Commissioner for Human Rights has the responsibility of ensuring that people's rights are improved and protected.

The section that follows discusses the South African gender framework.

2.9 South African framework supporting gender equality

This section reviews frameworks developed in South Africa aimed at redressing historical exclusion of gender in the country. The section reviews literature related to the Commission on Gender Equality Act 39 of 1996, the South African Human Rights Commission and Women Empowerment and Gender Equality.

2.9.1 The Commission on Gender Equality Act 39 of 1996

The Commission on Gender Equality was established to support South Africa's democracy to ensure that gender equality is applied to citizens. The Commission according to the South African law, has been given powers to provide gender equality, advise and make suggestions to Parliament on laws that affect gender equality and status of women (South Africa, 1996c:2). The powers and functions of the Commission are found in Section 11 of the Commission on Gender Equality Act 39 of 1996. Other functions of the Commission are suggested by national legislation.

The Commission on Gender Equality is one of the state institutions that support South Africa's constitutional democracy (South Africa, 1996a:94). The Commission has a mandate to protect and promote the rights of cultural, religious and linguistic communities. The Commission on Gender Equality Act has been

given authority to monitor, investigate, research, educate, lobby, advise and report on problems that affect gender equality (South Africa, 1996a:97). The Commission may report matters concerning gender equality to the South African Human Rights Commission for further investigation. Hence, the Commission promotes gender equality to ensure that women get the same opportunities as men with regard to access to resources.

The Commission on Gender Equality acknowledges that Indians, Coloured and Black people were dispossessed of their land in South Africa (South Africa, Commission on Gender Equality, 2017:3). It recognises that most people in South Africa own no land, especially in communal areas where land is controlled by traditional groups and leaders. Additionally, the Commission encourages communities to have access to land, own land and use land to produce income through agriculture, industries and commercial activities (South Africa, Commission on Gender Equality, 2017:2).

2.9.2 South African Human Rights Commission

The South African Human Rights Commission (SAHRC) is a state institution that supports the South African democracy in the promotion of human rights of its citizens. Its mandate is found in section 184 of the South African Constitution (South Africa, 1996a:94). The role of the South African Human Rights Commission (SAHRC) is to protect, promote respect for human right-hand culture of human rights, investigate and report on observance of human rights, monitor and assess observation of human rights, conduct research, educate, protection redress in the case of violated human rights (South Africa, 2013a:10). The SAHCR is also required to promote the rights of women to development (Stevens & Ntlama, 2016:62). In this regard, SAHCR disapproves the violation of human rights to ensure that human rights and dignity of people are restored. The human rights of rural women to access, own and enjoy their land rights have been violated. Therefore, human rights of rural women can be uplifted by giving them an opportunity to have equal land rights as men. In the past, women were disrespected when it came to enjoyment of their land rights as they were treated like minors who cannot make decisions regarding productive resources and other matters in social, political, economic and religious spheres. On the contrary, men were treated with respect as superiors in making decisions on land and other matters related to the family, community and life in general. The SAHCR encourages respect for human rights. The problem of denying women access to

decision making can be addressed by giving women an opportunity to partake in meetings that discuss land issues so to understand the needs of women.

2.9.3 Women Empowerment and Gender Equality Bill

The Women Empowerment and Gender Equality Bill supports the South African Constitution to protect the freedom rights of women. It promotes gender equality and empowerment of women (South Africa, Department of Women, Children, and People with Disabilities, *2013b:6). This Bill states that the land reform programme should encourage rural women to have access to and provide rural women with skills and financial support for productive use of land (South Africa, Department of Women, Children, and People with Disabilities, 2013b:8). It encourages the appointment of women and their participation in decision-making. The Bill also supports improvement of lives of rural women. Stevens and Ntlama (2016:47) argue for empowerment of women and promotion of gender equality because women are the most vulnerable group in society who struggle to access resources in social, political, legal and cultural spheres.

Moyo (2013a:5397) conducted a study on land rights of rural women in South Africa and found that in post-apartheid South Africa, rural women experience challenges regarding land. These challenges are related to: (1) lack of knowledge about land processes, their rights and training: rural women lack access to land as they do not understand their rights and what procedures are used when applying for land; (2) unequal ownership and control of land: through attitudes of social relations found in patriarchal structure and customary practices, rural women lack access and ownership of land. Rural women also lack values and dignity to make decisions on land matters since they are seen as minors; (3) Institutional structures, cultural norms and practices: In the communal areas, land is allocated by chiefs who believe that land belongs to males and, as such, they deny women access to land even though the South African Constitution approves land rights of women, (4) Lack of representation in Communal Property Association, rural women lack access to land as their interests and needs are not known by the policy planners and (5) lack of post-settlement and (6) rural women who are interested in farming lack farmer support services to get credits, agricultural inputs such as fertilisers, seeds, training and information. Moyo (2013a:5399) suggests that rural women be provided with education and skills so that they may understand procedures that are followed when applying for land rights. Other suggestions are to give women opportunities to voice their interest on land matters, involvement of women in decision making and representation of

women in the structures such as Communal Property Associations. Moyo (2013a:5399) further suggests that policy makers together with other structures, men and rural women in society, should work together on issues of development.

The section that follows will discuss critical appraisal on the literature reviewed.

2.10 Critical appraisal

The previous sections presented the literature viewed on land tenure in Southern Africa and South Africa. The common features of land problems in Southern Africa e indicated relate to the history of colonial oppression, loss of land, loss of status, conflict and wars. It is noted that in the precolonial period African land was not restricted to common usage; people had their land for buildings, farming and burial, while places of water, grazing and forest were shared (Berry, 2017:109). The legal ownership created by Europeans was introduced in the colonised African countries, creating dual land tenure system, which was problematic in that it created imbalances of power over land (Ramutsindela, 2012:754). A few South African women own land because women were seen as legal minors by apartheid policies and patriarchal practices in South Africa (Bob, 2000:51). Bob (2000:52) suggests that programmes developed to improve the standard of the poor and women need to be planned carefully because women are not equally poor. Chigbu et al. (2019:17) confirm that women are different when it comes to their needs for land in sub-Saharan Africa as some women have better wellbeing, while others have a low standard.

The literature reviewed indicated the importance of land for rural women as they have been engaged in agriculture and rural economy (Moyo, 2013a:5394). It is clear gender inequality, patriarchy and capitalism are the main contributors to women's struggle and poverty. Women were excluded from owning productive resources and this has a negative impact on women who remain helpless and seek assistance from other people for survival. Ozoemena (2018:25) declares that women have been prevented from participating in the main economic activities that would empower them financially and one of the reasons for their exclusion is unequal power relations that exists between men and women. The author argues for the application of gender justice in South Africa to redress past injustices by providing equal rights to historically disadvantaged groups such as women, children and people with disabilities which are vulnerable groups seeking to enjoy their human rights and full citizenship rights. Gender justice is concerned about equal treatment of people and inclusion of women to access land and

control resources. Through gender justice, women and men may be treated and engaged equally on land matters. Akinola (2018a:12134) argues that women in the post-apartheid era are no longer regarded as minors in terms of the law, but are still treated as subordinates to men when it comes to access to productive assets by traditional and African culture. With gender justice applied on land, there may be a balance of power between men and women. The value of women may be encouraged since women may be treated not as minors, but as full citizens that can make decisions on land matters.

When developing countries gained independence, unjust laws and new constitutions were transformed to support equal treatment of all people, including women. Land reforms in African countries were made to increase access to and ownership of land for the benefit of all people. The development of just laws implied that women would have equal opportunity as men to participate in land ownership and be in position to earn an income from land rights. With the introduction of constitutions in African countries, land meant that there is equity between citizens where women would enjoy, exercise their freedom rights to land and benefit from land in the same manner as men.

The literature reviewed indicates discrepancies in the distribution of land between men and women caused by traditional customs and patriarchal attitudes that treat women as outsiders on land. The communal areas of many African countries have refused to share land rights with women. The structures in communal areas are organised in a manner that favours men, while restricting women from accessing productive resources. In most African states, there are laws that support equality of men and women on land issues. In most of these countries, communal land is the responsibility of traditional leaders who give preference of land ownership to men. Customary laws do not approve women being in control of assets as they are seen as minors, who have no power and right to make decisions on land issues. Nevertheless, women have needs as adults for their children's education, have to make decisions on about what food to cook and think on about how to get money to manage their homes. The literature indicates that land rights of women in communal areas are linked to women's relationships with the male members of their families and once those relationships are broken women lose their land. The legislation in communal areas in African countries are weak in protecting women's land rights from customary practices that subordinate women when it comes to land distribution. The South African Constitution states that people with insecure land tenure as a result of past discriminatory laws and

practices are eligible to have equal rights to land for the purposes of providing them with secure tenure (South Africa, 1996a:10). In South Africa, women are a historically disadvantaged group who lost their right to land and property due to the implementation of past discriminatory laws. In the post-apartheid South Africa, rural women still have unequal land rights to men because traditional practices and norms exclude them. The laws that are supposed to protect women are not doing enough to protect the rights of women to access and own land. The power of men in the control of resources is still strong in Africa and in patriarchal societies. In most African countries, women's land rights are not protected, while there are legislations that support equal rights of all people. This means that power to make decisions on land are not equally shared among citizens since rural women are not engaged in the decision making on land issues.

Women are charged with a number of responsibilities as mothers, wives and community builders for the welfare of communities where they reside. They have a duty to improve the living conditions of their families. While women are not educated, they would like to see their children educated, working, have nutritious food, clothed and have better future. Additionally, having better infrastructure is the duty of women to see that their homes are presentable, clean and in good condition. Land is, therefore, important for women as it contributes to women's livelihood and that of their families.

In South Africa, the land reform programme was instituted to address the imbalances of apartheid. The Customary Land Act of 1994, since its inception, has not been fully implemented because some rural communities were not consulted in the process of its formulation. The South African Communal Land Rights Act has been found to have problems related to lack of implementation to allow women to exercise their land rights in the rural areas. Women are denied access to land by customary practices and traditional leaders. Beinart and Delius (2014:688) suggest that South Africa's land policy should have measures that prevent poverty through welfare, non-discrimination of people from rural areas and create equality among citizens as envisaged by the South African Constitution.

The South African government through its Constitution in the post-apartheid regime transformed the discriminating laws and policies to just laws to give right of equality to all citizens in the country. The Land Reform Policy of 1997 was established to address the issue of equality rights to land by all people. In

communal areas of South Africa, women still experience lack of access to and ownership of land through traditional and customary practices that do not recognise women controlling land and other productive resources (Moyo, 2013a:5398). This implies that women are deprived of their needs related to land issues not being addressed during the policy formulation and implementation. Women are s regarded as inferior, powerless and with no status in making decisions on issues that affect them.

According to Albertyn (2011:140), feminist scholars accept that law has both positive and negative aspects in that it can be gender sensitive to women's claims while being resistant to women's claims if the laws are not properly implemented or the laws provide rights that are limited. The South African Constitution of 1996 was made the supreme law with the intention of ensuring that South African citizens are equal and to protect the rights of all people. In the apartheid system in South Africa, laws were unjust based on racial inequality and oppression of the majority non-white citizens by the minority White citizens. During the colonial and apartheid eras, women experienced the most discrimination when it came to attainment of productive resources. Land laws and policies in place in South Africa, have not been effective in protecting women in their struggle to access and own land rights (Ezeuduji, Nzama, Mbane & Nzama, 2021: 23). It is still the case in post-apartheid South Africa that while there are revised laws for equity, South Africa is a patriarchal society which places women as subordinates of men in private and public life (Albertyn, 2011:140). In this manner, women are treated as people with no power, no value and, as such, women are not in a position to make decisions as most power lies with those in higher positions. Albertyn argues that gender inequality has a negative impact on the social and economic status of women. It affects women's access to resources, women's control over their bodies and livelihood and also affects the ability of women to make choices in life. South Africa became a democratic state in 1994 and sought to address the issue of discrimination among people, economic exclusion, oppression and gender inequality as well as unfair treatment based on sex. This means South Africans legally have an opportunity to choose their government through voting, have equal rights under the law to exercise e their human rights as provided for and protected under the Constitution of the country. While the South Africa's laws in the apartheid era were negative towards women with no commitment to include them, post-apartheid in South Africa produced just laws that are positive towards women showing commitment to recognising women and including them in the provision of citizens' rights. Feminists stress the need to abolish private ownership

in productive resources to enable women participate in and exercise their freedom rights in economic affairs. This means that there is a need to strengthen gender equality policies for the distribution of resource between men and women. Gender inequality for women to access productive resources including land is herewith judged based on human right principles that promote equal rights for all people.

The Universal Declaration of Human Rights is the foundation of human rights that protects the equal rights of people. The UDHR is a common standard to be enjoyed by all human beings in exercising their civil, political, economic, social and cultural rights (OHCHR Report, 2013:9). Rights involve guaranteed legal freedoms (Sargent, 2006:75). Gilbert (2013:115) argues that land rights are essential to provide access to food, housing and development since landless people experience excessive lack of economic security. Restriction of women from enjoying their rights to land means that their human rights are violated. Women have equal rights to access and control land in the same manner as men. Women's dignity to be respected as human beings is also violated. Chigbu et al. (2019:5) identify positive and negative forms of human recognition. Chigbu et al. (2019) declare that positive recognition of human beings views people as having value, while negative recognition views people with no value. Chigbu et al. (2019:5) argue that denying women access to land, treating women as an inferior gender and denying women rights to land while men have access to land rights is a kind of negative recognition of women. Additionally, land is a key resource necessary to boost people's social power and self-worth (Iruonagbe, 2010:2606). Land is a productive resource for people living in rural areas that is important for socio-economic, political, cultural, and development (Akinola, 2018b:3).

Legal rights equality: Legal rights equality expresses equality treatment and the need to have equal access to legal rights. Legal rights focus on the laws and policies that are applicable equally to all people. The South African Constitution is the supreme law that provides for the rights of people which are equal. The South African Constitution supports equality of all people and it protects the rights of all people including those of women. Historically, the South African legal systems utilized laws unfairly in a manner that discriminate against black communities from accessing land based on race. The colonial and apartheid superiors used their power to oppress the powerless black South Africans while laws were supposed to protect the citizens. Legal rights to equal access and ownership to land for majority none-Whites South African were violated by the colonial and apartheid system based on race. This led to many male South Africans being forced to

provide cheap labour in the mines that mostly benefited the white communities to become rich. The black communities lost their agricultural undertakings as indigenous farmers through ploughing and livestock farming. Women through use of this capitalist system of previous eras, were double disadvantageous. For women treatment was very severe as they were unable to stay with their husbands who only visited their homes once a year. The past South African legislations, capitalist system and gendered division of labour regarded women as minors and should provide domestic work within their homes. The rural women were the victims of this capitalist system in that there were forced to remain in the rural areas to care for the old and the children. This system prevented the rural women in South African homelands from exercising their freedom rights in choosing where they want to reside with their families. While rural women felt the ill-treatment produced by the government systems, they also suffer from the harsh treatment created by the customary laws that are functional in the communal areas. These customs emphasize the importance of tradition practices. Customary law is recognized as equal to statutory law in South Africa. The distribution of land in these areas is the responsibility of traditional leaders. Customary law discriminates against women when it comes to land access and ownership. Traditionally in distribution of land, women are meant to get access to use land through permission of their male relatives. Social norms and structures are in place in traditional societies and these norms are accepted by women not because they are not wrong but women are unable to challenge them.

Democratically, all people have the right to express themselves on issues that are of their concern. South African human rights protect and promote the rights of all people, including women's legal rights. This is the area where the South Africa's constitutional principles and human rights principles may be applied to ensure that traditional practices and customs do not restrict women from exercising their legal rights. According to Sargent (2006:107), people who are unable to provide for themselves ought to be provided with the right to equality of opportunity and assisted by the government's welfare system to earn a pension. On land, people who cannot afford to provide for themselves may be assisted to get land and property through housing allowance. Equality to legal rights may be applied to protect the rights of women so that they may be able to gain access and ownership to land. It is important for women to have knowledge about legal rights on land such as tenure security, land transferability and gender rights in order to increase investment in land (Meinzen-Dick et al., 2019:76). The authors further state that women who are not aware of their legal rights accept when they are told

by people in leadership that they have no rights to land because they are women. It is crucial that women have knowledge about their legal rights so that they may be able to claim their rights (Ogato, 2013:367). This means they need to be made aware of their legal rights. Knowledge is necessary for women to assist them understand their right to land. This knowledge may benefit married women in claiming their rights to inherit their husband's land or property in cases of disputes. Additionally, knowledge about legal rights may increase women's chances to make investments in land. Moyo (2013b: 5397) suggests that rural women be empowered with necessary knowledge that will assist them to know the processes, procedures, rights and skills to be able to participate in land matters. The South African Constitution provides citizens with the right to access adult basic education (South Africa, 1996a:12). Most rural women have a low level of education, while others are illiterate. Empowerment in the processes and procedures to apply for land may encourage them to participate in land matters.

Economic rights equality: Economic equality involves equal sharing of resources among citizens. It means that all people, including women and the poor, have equal opportunity to access and own land as men. Access to productive resources such as land improves economic power for people to be economically independent. Land encourages social stability and economic development (Akinola (2018a:12132). According to Muchomba et al. (2014:97), land is necessary to provide income and wealth to people because agriculture is the main economic activity that is available to most people in sub-Saharan Africa. Additionally, access to land and property has ability to empower women economically as they may get food, generate income and save money for future use (South Africa, Department of women, 2015:106). For rural women, access to productive resources, such as land, means that they may no longer rely on other people for survival since they may have access to and ownership of land and able to produce enough food for themselves and for the needs of their families. Land, as an economic resource, has a capability to improve the standards of living of people, empower women to be independent and eventually escape poverty. Land is also necessary to eliminate poverty. Education for children is the responsibility of women and it is important children develop skills that would help improve their lives to escape poverty. Mutangadura (2004:3) argues that providing access to land for women is necessary because that would improve women's standard of living, empower women economically and allow them to be equally treated in the patriarchal society.

Social rights equality: Social rights equality relate to right to equality and right to be respected. These rights relate to human rights, human dignity, equality and freedom rights. All people are equal before the law and these rights need to be respected. Gender inequality is linked to social functioning in society. Gender norms are created by society to approve the roles of males and females. This belief in different roles usually creates unequal power as it gives males superior power to control women and children, while it undermines the power possessed by women. Gender norms often give males power to make decisions on everything in life generally, while women have no power to make decisions. This means that women do not enjoy their freedom rights, equality, and human dignity, but have to respect, accept and submit to what males have offered and suggested for them. Tong (1995:17) argues that gender justice is possible in a society if women are not just provided with equal education with men but, on top of education, society provides them with equal civil liberties and economic opportunities that are enjoyed by men. This means that all rights that are applicable to men must be made available to women as well.

Political rights equality: In South Africa, land distribution has been skewed and heavily influenced by historical political rulers. Tengnas (2012:104) confirms that colonialism, in most African countries, contributed to the development of discriminatory practices. The author further argues that past injustices and discrimination against women were established at the time independence. O'Laughlin et al. (2013:8) argue that segregation laws in South Africa damaged the economic structures and social power in the country. Additionally, the authoritative South African government, through its use of racial legislation, kept Africans away from cities (Claassens, 2013: 88). The author further states that racial laws in South Africa restricted women from residing in cities, denied women their land rights, customary laws excluded women from inheritance of land and property, while traditional leaders used measures and attitudes created by colonial and apartheid rulers to exclude women as if they were traditional customs. When South Africa was politically seized by European colonisers, indigenous people lost their right to land, dignity, and political freedom rights (Tshishonga, 2019:167). Through the Group Areas Act, Whites were classified as full citizens, Indians and Coloureds as partial citizens, while Blacks were classified as non-citizens (Tshishonga, 2019:173). This enabled Whites to enjoy full citizenship rights, Indians and Coloureds received limited opportunities, such as citizenship rights to housing, and Blacks received no benefits at all since they were classified as non-citizens. Political equality means that there should be

balance of power between citizens as all citizens are equal before the law. Women, as citizens in a democratic country, have equal opportunity as men to claim their rights and be vocal about their expectations and needs without fear to participate in decision making. This means that women should participate fully during the formulation of land policies and other matters related to land. Politically, the government has a mandate to protect the rights of its citizens.

Awareness of rights and access to information that keeps citizens updated is necessary for poor and marginalised people so that they may be able to understand their rights and claim them. For women to understand their rights and processes on land matters, they need to be informed about the systems, policies, meetings, programmes and training that are available. South African women fought against oppression of citizens and challenged inequality during the apartheid regime. National Women’s Day is celebrated in South Africa yearly since 1995 because women of all races in both rural and urban areas in 1956 came out in large numbers to confront the apartheid government to end pass laws.

Table 2.1: Citizenship status in South Africa during apartheid era

Race	Status of Citizenship
Whites	Full citizens
Indians	Partial citizens
Coloureds	Partial citizens
Blacks	Non-citizens

Tshishonga (2019:173)

Cultural rights equality: Cultural rights equality relates to the recognition of identity, heritage and ancestry. South Africa has many cultures of which, in the apartheid era, there was one dominating culture for Whites that was granted more power than other cultures. In fact, other cultures were not recognised. In post-apartheid South Africa, there is support for the belief in and observance of different cultures (South Africa, 1996a: 7). The observance of culture must be consistent with provisions of the Constitution. Cultural rights are important for people living in rural areas, where the traditional system is still binding. Women in rural areas are builders of culture in their communities as they teach their children about culture. Women are drivers and organisers in the preparation of African cultural rituals in both urban and rural areas, but during the actual ceremony women are treated as observers. while men take charge of the event. While

culture is important for rural women, they are not treated well by cultural norms and practices since women's needs as providers of food are unmet in accessing and owning land. Traditional culture may also be oppressive to women as rules and norms are often created in a manner that advance men and put women in a disadvantaged position. Tradition is used by the men to gain power over women such that women submit to men, who use it to get respect from women.

The next section provides the conclusion to this chapter.

2.11 Conclusion

This chapter provided the theoretical framework of the study. It focused on the literature on land rights of women in Southern Africa. Legislations and policies governing land in South Africa were briefly discussed. It was argued that gender inequality originates from patriarchy, which is a system that promotes the domination of men.. The colonial rulers created a system of exclusion to get land in African countries. In the colonial and apartheid systems as well as in patriarchal and traditional communities, the rights of women were neglected. It is evident that colonial and apartheid capitalists' style had no interest in developing poor indigenous people; rather, they were more concerned about wealth. In patriarchal and traditional systems, men also showed no interest in developing women as they treated them the way they were treated by the capitalists, whose interest was to enrich themselves from people's labour. Women are natural carers who find themselves struggling to live without resources. Land acquisition within these systems was perceived as a tool to gain power and wealth. The power given to traditional leaders to rule over communal areas gave them an opportunity to manipulate the system, oppress the powerless people and benefit from productive resources. Gender differences became acceptable standards practised in rural areas, which hinder freedom rights of rural women whose needs and concerns are to support their families. It is problematic for women to carry out their duties in the absence of rights to access productive resources. As mentioned earlier, land reform in South Africa was established to ensure that people's rights are balanced since, in the past, their land rights were unbalanced. The Customary Land Act of 1994, since its initiation, was ineffective in addressing the needs of women on land because in its enactment it failed to protect the needs of rural women. During the process of its enactment, there was no consultation with affected communities, including rural women and they continue to be discriminated against by customary practices. The situation around customary land rights of women in the sub-Saharan countries is similar to South Sudan customary law and enacted

legislation, which do not permit women to own land. Instead, women are required to pay for plots of land, while men are do not buy land. In Tanzania, there is well developed legislation that give equal rights to men and women to have joint ownership, but customary practices reject ownership of land by women and enacted legal laws fail to protect women. Namibian widows suffer land loss after the passing of their husbands because traditional customs discriminate against women's inheritance of land. In all these studied countries, women are discriminated against from owning land by customary traditions.

Neglecting women's needs is similar to preventing them from claiming their rights, which is social justice issue. Social inequalities are said to occur in instances of certain groups of people being rejected prevented from attaining social righteousness based on gender identity, class, norms or behaviour. Some African countries, including South Africa, are signatories to international agreements, which means member countries support the principle of equality of men and women. The literature reviewed revealed that women in developing countries are more involved in the production of food that constitutes approximately 60-80 percent, while they lack secured land. The fact is that land rights are managed through dual legislation that apply differently, that is, legal and customary systems. The legal system applies to land allocated in urban areas that consider equality of rights for both males and females, whereas the customary system applies to land allocated in rural areas. This system does not accept control of land by females, but rather gives preference to males. The land rights of women in rural areas are negatively affected by traditional practices connected with the use of customary law.

The following chapter discusses the methodology applied in this study.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

This chapter provides the details of research design and methodology applied in this study. The research population, data collection tools and methods, data analysis and ethical consideration are presented. This research adopted a combination of feminist, critical and positivist paradigms. It implemented mixed research method that involved the use of both qualitative and quantitative research methods. The combination of both qualitative and quantitative research methods was suitable for this study to provide knowledge about land rights of rural women of Xolobe under Intsika Yethu Local Municipality.

3.2 Research paradigms

There are various purposes of social research, but the most common purposes are exploratory, descriptive and explanatory, although some studies may involve more than one of these purposes (Babbie, 2013:90). The purpose of this study was to investigate land rights of rural women of Xolobe under Intsika Yethu Local Municipality in Eastern Cape, South Africa.

The set of beliefs or worldview that guide research actions are described as paradigms (Kivunja & Kuyini, 2017:26). According to Kekeya (2019:34), paradigms comprise integrated sets of norms, beliefs, methods of doing good research and procedures for gathering and analysing data. Paradigms provide the pattern, structure and framework or the system of science and academic ideas, beliefs and assumptions (Antwi & Hamza, 2015:218). A research paradigm is the researcher's perspective of the world (Creswell., 2014:35; Morgan., 2014:1051). Morgan (2014:1051) adds that research paradigms create new worldviews in social contexts that possess a wide spread impact on the conduct of inquiry. The research paradigms determines the structure and framework employed in research through an interpretive, pragmatic or positivists approaches (Antwi & Hamza., 2015:218; Kivunja & Kuyini., 2017:26).

3.2.1 Interpretive paradigm

According to Bryman, Bell, Hirschsohn, Dos Santos, Du Toit, Masenge, Van Aardt and Wagner (2014:15) interpretive research paradigm is about understanding, consideration and respecting various people's perspectives and opinions. This paradigm considers people and it assumes that people cannot be explored the same way as the physical phenomenon; thereby creating more in-depth meanings (Alharahsheh & Piusi, 2020). Rahman (2017) adds that the interpretive researcher argue that the reality is socially created by humans which can be altered and understood subjectively.

3.2.2 Pragmatic paradigm

A pragmatic paradigm conforms to a mixed method approach in understanding human behaviour (Antwi & Hamza, 2015:223; Kivunja & Kuyini, 2017:35). Morgan (2014:1051) articulates that pragmatism brings the experiences of the researcher and the changes hoped for. The experience and changes the researcher hopes to produce are contextually bound and are social in nature. The use of mixed approach could either be entirely or qualitative or quantitative. Some sections could be qualitative and some quantitative or visa-versa. This study conformed to the pragmatic research paradigm through the adoption of a concurrent mixed method approach of data collecting procedure. Concurrent mixed method approach was used against sequential mixed method approach (data was collected in stages). Qualitative data collection did not guide quantitative data collection or vice versa. Therefore, qualitative data collection was done concurrently with quantitative data collection. A sequential study is an adoption of two or more methods one after the other (Kumar., 2014:27).

3.2.3 Positivism paradigm

The positivist research paradigm emphasises that knowledge can be understood and gained through the use of quantitative methods (Kekeya, 2019: 27; Ryan, 2018: 15). Hasan (2016: 320) adds that positivism paradigm is an approach that has permitted social researchers to make strong claims on reliability, objectivity and usefulness of knowledge they

present just as was the case with scientific researchers in natural sciences. The research instruments used for positivism research for social scientists include survey questionnaires. Positivism research is appropriate for social scientists as it allows the collection of large data sets, quantitative measurements and statistical methods of analysis (Hasan, 2016: 320).

3.2.3.1 Post-positivism paradigm

Post-positivism paradigm is derived from both quantitative and qualitative approaches (Dowd, 2018). The purpose of this paradigm is to attempt to address the weaknesses of positivist paradigm (Brown & Duenas, 2019). Furthermore, post-positivist paradigm is a combination of positivist and interpretivist paradigm and is a form of justification for alternative paradigm after the failings of a positivism paradigm (Panhwar, Ansari & Shah, 2017). Bonache and Festing (2020) add that the positivist paradigm provides different answers to a numerous essential questions and issues in a study.

3.3 Research design and methodology

Grover (2015) articulates the research design as strategic procedures that comprises of comprehensive methods of data collection, sampling, analysis and interpretation. Dinesh (2019) escalates that research methods as plans and structure of obtaining answers to the research objectives. The research methods used in qualitative studies are about an in-depth understanding of the question related to 'why' people participate in a particular action (Rosenthal, 2016). While, the research methods used in quantitative research are descriptive, correlational and experimental (Alhassani & Al-Somali, 2022). Thus, qualitative studies are concerned with describing the phenomenon in words making use of interviews, focus groups, observations, document analysis among others. Whereas quantitative studies focuses on numerical analysis through survey questionnaires making use of computation techniques in analysis. A mixed research method, involving the use of both qualitative and quantitative research methods to collect data were adopted in this research. This helped to address the study objectives or answer the research questions in deep ways that increase validity of the research findings.

The mixed methods approach combines two or more methods to collect and analyse data from respondents under investigation (Kumar, 2014:14). Mixed methods research was suitable for this study to provide a complete picture of the problem investigated by looking at all angles of the problem in a single study. By using both quantitative and qualitative research methods, more in-depth understanding of the problems experienced by the rural women of Xolobe under Intska Yethu Municipality related to their land rights was gained in this study.

The Positivist paradigm in this study was used in the quantitative research method (questionnaire survey). Some elements of the feminist paradigm were also integrated in the questionnaire. Feminists research relied on use of both quantitative and qualitative research methods because it seeks to explain the social world experiences lived by many women (Kiguwa, 2019: 226). The Positivist paradigm, in judging the success of quantitative studies, uses of validity, reliability, objectivity, precision and generalisation (Antwi & Hamza, 2015: 220). Quantitative research measures attitudes and opinions from a large sample of the population. For the quantitative research instrument, rating scales were used to measure the attitudes of respondents. According to Fox and Bayat (2007:78), quantitative research includes the following features:

- Data is in the form of numbers,
- Data is collected by means of structural instrument such as questionnaire,
- There are systematic standardised measures developed before the data is collected.

This study used qualitative research approach by employing semi-structured interviews to interrogate concepts linked to feminist and critical paradigms. Qualitative research involves varieties of data collection and analytical methods that utilise purposive sampling, semi structured and open-ended interviews (Mohajan, 2018: 23). According to Mohajan (2018:24), qualitative research collects non-numerical data to interpret meaning and understand social life. Rahman (2017:104) outlines the advantages of qualitative approach as follows:

- Data collected in qualitative approach is not standardised,
- Qualitative approach provides detailed opinions, feeling, experiences and meaning of actions of participants,
- Researchers gets the opportunity to relate with participants during the process of data collection.

This study made use of an inductivism approach as the empirical data was shaped by the existing literature. The researcher consulted the literature whereafter variables related to land allocation, processes and regulations were identified and a variable matrix developed to meet this study's objectives. Thus, a deductive approach was not suitable for this study as the research was not based on existing theories. However, the study was based on various land-related concepts in developing the research instruments (semi-structured interviews and the structured questionnaire).

3.4 Research Area

This study focused on the rural women and the land managers at Xolobe Administrative Area (AA) which forms part of the rural areas of Intsika Yethu Local Municipality. This local municipality is made up of many localities or administrative areas that are not considered in this research. The study area is illustrated in Figure 3.1 next



Figure 3.1: Intsika Yethu Municipality map

Source: <https://www.google.com/maps/place/Intsika+Yethu+Local+Municipality/@-32.0426207,27.6545914,10z/data=!4m6!3m5!1s0x1e61aa1dd4d3f875:0x1b21a6f9be133520!8m2!3d-31.9314924!4d27.6434844!16s%2Fm%2F0g57ftp?entry=ttu>

This study was limited to the Xolobe Administrative area under Intsika Yethu Municipality based on limited accessibility (inadequate road infrastructure) , financial limitations as well as the time-frame allocated to pursuing a PhD study. Further studies with available resources that include the budget, 4x4 bakkie, human resources and time availability may investigate the entire Intsika Yethu Municipality area to determine the inclusion of rural women on land phenomenon in this vicinity to compare and contrast similarities or differences in findings.

3.5 Research population

This study targeted two categories of respondents. The first category was rural women of Xolobe under Intsika-Yethu Local Municipality as the focus of the study. This area does not have current figures of the population because the last census was conducted in 2011. The second category of respondents targeted for the study was traditional leaders (chief, headmen and sub-headmen), ward councillor and manager in the Department of Land and Agrarian Reform. This group of respondents was selected based on its knowledge and involvement in the distribution of land in communal areas.

Intsika Yethu Municipality falls under the Chris Hani Metropole in Eastern Cape, South Africa. Its population in 2011 was 145, 372, of which many were female headed families (Stats SA: 2011). This study was conducted in Xolobe Administrative Area (AA), which is a big farmstead located in Intsika Yethu Municipality. During the 2011 census, Xolobe AA fell under Amahlathi Local Municipality. Xolobe Administrative Area is divided into three locations, which are: Lower Xolobe, Middle Xolobe and Upper Xolobe. Its population is estimated to be 993, with 381 households in 2011 (Stats SA, 2011). Lower Xolobe has a population of 298, with 85 households; Upper Xolobe has a population of 436 people with 50 households and Middle Xolobe has a population of 259 with 246 households from the combined data (men, women & children) presented for this area (Stats SA, 2011). The study acknowledges that the population figures mentioned may not be a true reflection of the area's current population. Two factors were considered in the study with regard to the population of the area. The first aspect is that the study focused on adult women as participants, The population figures mentioned were drawn from a national census conducted in 2011 that combined men, women and children. Thus, the research population

(women) could not be easily established or estimated; hence this study's research population is largely unknown. The second aspect is that the time frame in which the study was conducted (2019-2021) and the time elapsed since the national census (2011) is significantly great (a ten-year difference). Therefore, given the mobile nature of human beings, the population of the area may not be a true reflection of this community currently. Further, Xolobe's land related matters, including other social issues are managed by one chief, one headman, various sub-headmen, and various ward councillors.

3.5.1 Research sampling

Sampling is a method used when selecting a small group of people from a large group of the population (Alvi, 2016:11; Brynard et al., 2014:5). Sampling can be conducted either through probability or non-probability methods (Alvi, 2016:12; Brynard et al., 2014:57; Etikan et al., 2016:1; Mesa et al., 2016:327). Probability sampling implies that every individual in a population has an equal chance of being selected as a respondent (Kumar, 2011:160; Mesa et al., 2016:329). Mesa et al. (2016:329) and Alvi (2016:22) explain that there are different types of probability sampling, namely: simple random (stratified, systematic) and cluster sampling methods. Simple random sampling provides each member of the population with an equal chance of being included when selection is done, while cluster sampling involves selection based on geographic area such as cities and towns (Alvi, 2016:22). Non-probability sampling means that selection of respondents selected for participation depends on other considerations (Alvi, 2016:13; Etikan et al, 2016:2; Kumar, 2011: 167; Mesa et al., 2016:327). Babbie (2013:128) describes non-probability sampling as a method in which samples are chosen without applying probability theory. Non-probability methods involve purposive and convenience sampling, for example, where the sample is chosen based on suitability (purpose), accessibility to the researcher, and snowball sampling that creates a chain of respondents from selecting one subject (Alvi, 2016:29; Mesa et al., 2016:328). According to Someck and Lewin (2005:218), the non-probability sampling approach is appropriate for a researcher targeting a particular group and it is advantageous because saves time and costs.

On the quantitative aspect of this study, 350 structured questionnaires were administered to rural women of Xolobe. A questionnaire was deemed suitable in order to understand the problems of rural women regarding land rights. From the distributed 350 questionnaire, 308 were usable (fully completed) for the study. Consequently, 308 participants were involved used in the study. The qualitative

aspect of the study involved using the purposive sampling technique in selecting and interviewing six (6) participants, that are land managers (chief, ward councillor, headmen, sub-headmen and a manager from the Department of Rural Development and Agrarian Reform and three sub-headmen) in Xolobe using semi-structured interviews. Thus, the study used non-probability sampling in a purposive manner. The sampling size of this study was based on Veal's (2011:361-362) proposition that the absolute size of the research sample is more important than the sample size relative to the population. Veal (2011) escalates that there is a general misconception among researchers that the size of a sample should be decided based on its relationship to the size of the population (say 5% or 10% of the population). The level of precision in the results, the level of detail in the analysis as well as the budget availability should determine the criteria for the sample size (Veal, 2011:361-362). Hence, a carefully selected sample size that is relatively small is more representative than a relatively larger sample that is not carefully selected (Veal, 2011: 362; The Research Advisor, 2006).

3.6 Data collection tools

As earlier mentioned, this study used a mixed methods research approach. In this cross-sectional study a survey questionnaire was used to collect quantitative data, while interviews were conducted to obtain in-depth understanding of the phenomenon under investigation (rural women's participation in land matters, including ownership and access to land) in Xolobe rural area. Wang and Cheng (2020) articulate that cross-sectional studies is about collecting data from a population at a specific point in time and are usually fast and inexpensive.. The first set of data was, therefore, quantitative. The first page of the questionnaire provided information about the purpose of the study and informed participants that their involvement in the study was voluntary. The participants were also informed that they were free to withdraw from participation in the study at any stage. Further, participants were assured of their confidentiality and anonymity in the study. The questionnaire format was designed organised into two sections (Section A and Section B). Section A consisted of questions about the profile of respondents. Section B contained close-ended questions in a standardised Likert-type scale arranged to measure the opinions of people with 'strongly agree', 'agree', 'neutral', 'disagree' and 'strongly disagree' alongside the provided statements. A Likert scale is a measurement tool that uses standardised response categories in a survey

questionnaire (Babbie, 2013:217). The questions in the questionnaire were guided by the concepts adopted from various authors and developed land related variables suitable for this study. The study then compiled a set of questions based on the various concept identified from scholars in this study area (land related rights of women). The varying concepts were built from the studies of Moyo (2014); Akinola (2018); Prosterman (2013); Agarwal (2003); Moyo (2013b); Macanda (2014); Muchomba et al. (2014); Chigbu et al. (2019). The last three questions of the questionnaire were open ended items that allowed rural women to provide details of their challenges and needs related to land. The study developed a variable matrix using data from various authors and the researcher's personal knowledge. The developed research questions from previous researchers in the field were based on the conceptual frameworks discussed in these previous studies and not the methodological approaches adopted by these studies. Thus, the development of the questionnaire for this study made use of land related variables aimed at testing the validity of statements build for this research. The variable matrix consisted of various questions across the land related phenomenon extracted from the literature. The variable matrix was developed in order to guide the interview and the survey instruments making use of statements from the literature to validate the findings. Thus, the variable matrix was developed to answer the research objectives and research questions. The variable matrix is presented as Table 3.1.

Table 3.1: Survey questionnaire variable matrix

Independent variables - Women's land rights and ownership variable matrix		
Dependent variables	Study questions	Authors
To investigate whether rural African women of <u>Intsika Yethu</u> Local Municipality are aware of their land rights.	Land is important to support the welfare of life (food, clothing children's education etc.)	Agarwal (2003) Moyo (2013b) Prosterman (2013)
	I am aware that women have rights to own land	Akinola (2018) Muchomba, Wang and Agosta (2014)
	I am aware that women have right to access land	Mudau et al. (2018)
To ascertain the challenges facing rural African women of <u>Intsika Yethu</u> Local Municipality on land matters.	What challenges are facing rural women on land in your community; Describe them	Bank and Mabheba, 2013 Moyo (2013a)
To discover the measures that are in place to increase the capabilities of rural women to harness land rights in <u>Intsika Yethu</u> Local Municipality.	I am aware of that there are laws that are followed by people to apply for land in my community	Bavisenge (2018) Kepe & Hall (2018) Golele, Mautiana and Makombe (2018)
To investigate whether there are empowerment programmes designed to enable rural African women of <u>Intsika Yethu</u> Local Municipality to participate in governing policies on land.	What are the challenges faced by rural women on land matters in your community; Describe them	Chigbu et al. 2019 Macanda (2014) Moyo (2014)
To ascertain if there are approaches that can assist rural African women of <u>Intsika Yethu</u> Local Municipality to make sufficient living out of communal land	Please suggest your views on how the living conditions of women through use of land resources in your community can be improved	Self-knowledge

Researcher's own compilation

The second set of data was collected using semi-structured interviews (qualitative). Guiding questions were designed for the interview to understand the land acquisition process and investigate the views of land managers towards the land rights of women. The interview guide consisted of two sections (Section A & Section B). Section A contained the demographic questions for the participants,

while Section B covered interview guiding questions based on the literature (Bob, 2000:63; Moyo, 2013a:5393; Slavchevska et al.,2017:4; Ainslie & Kepe,2016:31; Bayisenge, 2018:602; Moyo, 2014:5997; Bank & Mabhena, 2011:97; Akinola, 2018b:3). A variable matrix for the interview questions developed using data on land related matters, thereby creating a set of questions emanating from various authors and the researcher's personal knowledge about land related matters. The set of developed questions was then used as the interview guide for the study. The interview variable matrix is presented in Table 3.1.

The section that follows discusses the data collection for this study.

3.7 Data collection

This study adopted a mixed method approach, a combination of qualitative and quantitative collection that occurred concurrently. This means the quantitative approach did not lead precede the qualitative approach, but that the data was collected in stages. The first stage of data collection was the quantitative approach (survey questionnaires) while the second stage was the qualitative approach (interviews). Data collection of this study covered a period of 14 months (December 2019 till February 2021). The researcher first consulted the chief to get approval to conduct research on behalf of the community in his jurisdiction and the consent letter was received and it was submitted to the University for Approval of ethical clearance. Data collection for this study only commenced upon receipt of ethical clearance from the university with ethics number (2017/FBREC486). Also, prior to data collection, the researcher contacted the traditional leaders to seek their participation in the study and they were keen to participate.

The data collection procedures of this study are discussed in the following sub-sections (quantitative research approach and qualitative research approach). The section first discusses the quantitative data collection process, followed by the qualitative data collection experience.

3.7.1 Quantitative research approach: distribution of questionnaire

Given the assumption that rural areas are confronted with low levels of education, the questionnaire were administered for the rural women by the researcher together with four fieldworkers. The fieldworkers for this study were recruited from Xolobe. The recruitment criterion set by the researcher was a matric (Grade 12,

South African schooling system) level qualification/drop out. The reasoning behind the matriculation requirement for fieldworkers was the ability to correctly fill the questionnaire on behalf of rural women. The identified and recruited fieldworkers were trained for two days on how to complete the questionnaire. It was important that the research used fieldworkers from the local area. This was based necessitated by the advantages of fieldworkers' familiarity with the area (a remote and scattered), the people, language and culture in the community. Hence, the respondents could easily trust the fieldworkers and allow the research in their area. The commencement of data collection for survey questionnaire was December 2019, which commenced at Middle Xolobe and ran from December 2019 till January 2020. Due to the relatively large, remote, and scattered nature of the study area (Xolobe), further collection of data for Lower Xolobe was scheduled to continue in March 2020. However, in March 2020 South Africa, along with the world, was faced with the global health pandemic (Covid-19). As such, travel restrictions were introduced in South Africa as a response to the global pandemic, which disrupted travel plans for the study. During this period, the researcher was unable to travel to the area (from Cape Town). However, as travel restrictions were eased to Level 1 (October 2020), the data collection continued. When the researcher get back to the area, the fieldworkers were mobilised again and were briefly reminded about the questionnaire. After the questionnaire briefing, they (fieldworkers) were trained on adhering to Covid-19 protocols. The Covid-19 protocols included the training on maintenance of social distancing when collecting data. The fieldworkers were trained to maintain a two-meter distance and constantly sanitise their hands when collecting data. They were provided with face masks, hand sanitisers, pens, and boxes to place completed questionnaire for each day. The completed questionnaire was marked using dates and placed aside; these could only be taken out from the box for further evaluation (checking the correctly filled questionnaire) two days after completion. This was done to allow the virus to die off, should it have been contacted. This procedure was repeated when collecting data at Lower and Upper Xolobe. This stage of data collection commenced in October 2020 and ended in February 2021. This study targeted administer 300 questionnaires to the rural women population of Xolobe. However, 350 questionnaires were printed for data collection to mitigate any issues that may lead to not attaining the desired sample size (300). The researcher understood that in collecting data in this remote area there was a high probability of encountering rural women unable to read and write. Thus, it was necessary to have extra questionnaire in case mistakes occurred in filling out the questionnaire or a respondent could not understand the

questionnaire. The probability of a lack of understanding of the questionnaire was mitigated by involving fieldworks to assist with questionnaire administration during the data collection period. As such, a total of 350 questionnaire were administered to the rural women of Xolobe (Upper Xolobe, Middle Xolobe & Lower Xolobe). However, 308 questionnaires were valid for use in the study. Thus, 308 survey questionnaire were used.

3.7.2 Qualitative research approach: semi-structured interviews

For the qualitative research approach, semi-structured interviews were used. The interview method aimed to interpret respondents' opinions and beliefs on relevant topics (Parveen & Showkat, 2017:3; Bacon-Shone, 2015:49). The interview method can either be structured, semi-structured or unstructured (Parveen & Showkat, 2017:4). Interviews may be conducted face-to-face or telephonically (Babbie, 2013:250). The guide questions were designed for the interview to understand the land acquisition process and to investigate the views of the land managers towards the land rights of women. Table 3.2 depicts the variable matrix for interviews that guided this research.

Table 3.2: Interview guide directed to land managers

Interview questions	Author/s	Year of Publication
Are the local communities and women aware of the of their land rights?	Bob (2000) Moyo (2013b) Slavchevska, et al. (2017)	2000 2013 2017
Are there existing programmes aimed at empowering women of <u>Intsika Yethu</u> Local Municipality?	Self-knowledge	
Are there existing programmes offered by the government for women to create a living out of land in your community?	Self-knowledge	
Do traditional practices have effect on how land is allocation in your community?	Akinola (2018) Claassen (2013) Gibbens & Schoeman, (2017)	2018 2013 2017
How do people, including women, get access to land in your community?	Self-knowledge	
Do women in your community have equal opportunity as men to inherit land?	Bank and Mabhena (2011) Chigbu, Paradza and Dachaga (2018)	2011 2018

Researcher's own compilation

The interview guide was made up of two sections (Section A & Section B). Section A covered the demographic questions for the participants, while Section B covered most interview questions guided by the literature emanating from scholars (Bob, 2000:63; Moyo, 2013a:5393; Slavchevska et al.,2017:4; Ainslie & Kepe,2016:31; Bayisenge, 2018:602; Moyo, 2014:5997; Bank & Mabhena,

2011:97; Akinola, 2018b:3). Six interviews were conducted for this study involving traditional leaders, the ward councillor of Xolobe and the manager from of the Department of Rural Development and Agrarian Reform as shown in Table 3.12, between December 2019 and January 2021. Land-related matters in the study area (Xolobe) are managed by one chief, one headman and various sub-headmen and various ward councillors. The chief's consent was sought for data collection in this area and permission was granted.

The chief became the first interviewee for the study. Notes were taken during this interview. The interview meeting with the chief was conducted on a face-to-face basis (December 2019). Thereafter, the chief directed the researcher to the headman, various sub-headmen, ward councillors and representatives from the Department of Rural Development and Agrarian Reform in the area for further interviews. The headmen, sub-headmen, ward councillors, government officials were approached and the study, including ethical considerations embedded in the research, introduced. Prospective participants were further informed about their right to withdraw from the interviews at any stage during the process. The headmen, sub-headmen and ward councillors granted permission to conduct the interviews. Upon receipt of consent to participate in the study, interviews were scheduled and set to be conducted in March 2020. However, they could not be conducted as a result of the global pandemic (Covid-19), which brought about a national lockdown, where travel restrictions were introduced in South Africa. Consequently, travel plans to Xolobe from Cape Town could not happen during this period (March, 2020). Arrangements were made with the chief for the telephone contact details of willing participants (sub-headmen, ward councillor and manager from the Department of Rural Development and Agrarian Reform) to formally cancel the interview meetings with prospective participants. The participants were informed that interviews would be re-scheduled at a later stage.

In December 2020, prospective interviewees were telephonically contacted, and interviews were rescheduled for January 2021. Thereafter, the telephonic interviews for this study were conducted in January 2021 with 3 sub-headmen, 1 ward councillor and 1 manager from the Department of Rural Development and Agrarian Reform. The conversion from face-to-face interviews to telephonic approach was a contingency plan to adhere to Covid-19 protocols (social distancing) that accompanied the global pandemic outbreak response of limiting the spreading of the virus. Six interviews were obtainable conducted for this study. Notes were taken during all the telephonic interviews with the participants.

The notes were later transcribed into a Word document for easy processing of the data prior to the identification of themes in analysing the received data.

According to Babbie (2013: 256) the advantages of telephone interviews are as follows:

- Telephonic interviews save time and cost,
- interviewers can communicate freely over the telephone and
- telephonic interviews can create better control of data collection in cases where there are many interviewers involved in a project.

3.8 Data analysis

Vogt, Gardner, Haeffele and Vogt (2014:5) indicate that data analysis is the process of identifying statistical relationships and bringing structure to the data captured. The quantitative raw data of this study was edited and captured onto an Excel spreadsheet for easy processing using Stata software statistical package. Vogt et al. (2014:5) state that Stata software may be employed to scrutinise the relationships between observed variables (questions) and latent variables (structures) using model fitting tests. Accordingly, Leedy and Ormrod (2015:29) suggest that model fitting tests be performed to draw inferences from the obtained data; these statistical tests are mostly used in psychology, medicine and business. In addition, Kumar (2014:17) states that in performing statistics the researcher draws conclusions based on their own understanding of the analysed data in confirming or disconfirming the test. Leedy and Ormrod (2015:29) emphasise that the use of statistics enables scholars to detect relationships and patterns in data collected. Consequently, the data for this research was analysed using inferential statistics. Thus, Stata Data Analysis and Statistical Software version 15 (Stata Corp, 2015) was used to analyse the survey questionnaire of this study. Leckie and Charlton (2013:2) state that Stata Statistical Software is a data management tool used for statistical analysis tenacities with good quality graphics decent for publication. Furthermore, Leckie and Charlton (2013:2) describe Stata Statistical Software as a commander of statistical model fitting for multilevel data hierarchies and the calculation of statistics across various groups. In describing the respondents' profiles, the first stage of quantitative data analysis employed univariate descriptive analyses (frequencies, mean and standard deviation). Descriptive statistics show the relatedness of two or more related variables and the variability summary of the obtained data (Leedy & Ormrod, 2015:29).

The second stage used multivariate analyses (cross tabulation, visual presentations, means relatedness of data and correlation analysis) for inferential statistics. Dhir and Shukla (2018:121) state that cross tabulation is an important data management tool that encourages understanding of hidden pattern of behaviours for the given situation. Therefore, the study analysed cross tabulation of various independent variables of land awareness against different demographic characteristics of respondents (such as age, employment, having children, income, and household income). According to Dhir and Shukla (2018:128), inferential statistics are useful to bring meaningful relations in the examining of demographic variables using a cross tabulation analyses. The authors further state that inferential statistical procedures, such as chi-square analysis, help researchers to draw conclusions about a population from a sample and provide evidence regarding the generalisability of findings to a broader population. A chi-square analysis is used to test the meaning between expected and observed results of a given variable distribution (Dhir & Shukla, 2018:128). Hence, a chi-square test was performed to draw meaningful findings of the study.

The study further tested reliability of the data from Likert-scale variables in Section B of the study questionnaire, making use of Cronbach's Alpha and final stage of data analysis, which computed scores of the received data. Cronbach's Alpha coefficient estimates reliability in item-specific variance in a uni-dimensional test (Cortina, 1993:103). Cronbach Alpha reliability coefficient ranges between 0 and 1, where scores of 0.7 and above show consistency in measurement scale (Gliem & Gliem, 2003:87). Peterson (1994:385) advises that Cronbach's Alpha coefficient scores that are 'acceptable' have no empirical testimony but emanates from experience or intuition. George and Mallery (2003: 53-55) agree that, in many situations, a cut-off point ranges from 0.5 and 0.7 as acceptable for Cronbach Alpha coefficient principles. Tavakol and Dennick (2011: 53-55) emphasise that a low Cronbach's Alpha coefficient is most probably due to a small number of variables or low interrelatedness of variables employed in analysis. Consequently, a Cronbach Alpha score of 0.5 and above is considered acceptable in this study based on the relatively small number of items employed in each subset analysis (land related variables). George and Mallery (2003: 53-55) accepts this cut-off point.

The qualitative data collected was analysed using simple content analysis of interviews. This data was captured into a Microsoft Word document for easy

processing. Thereafter, data was grouped into themes, where the frequency of ideas was labelled and reported as “very commonly” (mentioned 5 times or above), “commonly” (mentioned 3 or 4 times), and “not commonly” recorded (mentioned 1 to 2 times) opinions. The results for both analyses, that is, qualitative and quantitative, were presented using texts, tables and graphs.

3.9 Validity and reliability

Various methods are employed to conduct research in a valid, reliable and objective manner in order to reach unbiased and objective conclusions (Kumar, 2019: 9). Shepard (2016: -268) defines validity as the extent to which theory supports the interpretation of test scores. Validity testing checks if the measurement instrument used to collect data is accurate for the study. Taherdoost (2016:28) states that questionnaires are one of the most popular tools for conducting social science studies in an accurate and consistent manner. It is of utmost importance that correct procedures are followed when collecting and analysing data (Kumar, 2011:133). According to Seale (2006:72); Bryman (2026:41-42), there are various components of validity. Middleton (2023) identifies the main types of validity as 1.) construct validity (measure the intended concept), 2.) content validity (tests full representation of aims), 3.) face validity (suitability of content) and criterion validity (accurate measurement of the outcome). This study however, found construct validity, content validity and criterion validity to not synchronise with this study. Therefore, the study adopted the face validity approach as an appropriate method of testing validity of this study. Components of validity include: (1) measurement validity, which refers to the degree to which questions in the questionnaire indicate the various aspects of concepts, (2) internal validity, which refers to the extent to which causal statements are supported by the study and (3) external validity, which looks at the extent to which the findings can be generalised.

The external validity of this research could be increased with the relatively large size of participants that yielded 304 questionnaire responses and 6 interviews used in the study. Ezeuduji (2013:5) indicates that external validity in research can be regarded as the extent of generalisability in the obtained results due to the sample size studied to a bigger population. Hence, the external validity can be increased with a relatively large sample size used in the study. In further validating this study, a pilot study was conducted to test the understanding of

potential participants for the measuring instrument. According to Veal (2011:46), absolute validity cannot be guaranteed due to significant social differences across groups of people, internal validity of the study was enhanced using variables identified from the literature and from the researcher's personal knowledge (Ezeuduji, 2013:5; Veal, 2011:46). Neuman (2014:2) adds that 100% guarantee of perfect results or absolute truth is highly impossible but not highly improbable in research. Furthermore, Kumar (2014:10) escalates that in social sciences, researchers do not have control of external factors however, they can quantify their impacts.

For validity of the qualitative approach (interviews) to this study, the researcher interviewed government officials who were involved in the management of land were interviewed to get their views regarding land rights of women, while trustworthiness of the research was achieved through absolute reflection of the received data. Therefore, the collected data was reported truthfully in this research.

While, reliability involves the extent to which the measurement of a phenomenon provides a consistent result when repeatedly tested, whereas validity implies the collected data should cover the intended area of investigation (Taherdoost, 2016:33; Kumar (2014:7). However, complete reliability (same results in later repeated study) is rare based on the ever-changing socio-economic statuses of humans (the subjects of social scientists) (Ezeuduji, 2013:5). The reliability of this data was done through the cross-tabulation analysis where patterns in the data were observed in the obtained results. The study further analysed the means of relatedness of the data. Whereafter correlation tests were conducted. Reliability of these results were further tested on the Likert-scale variables in Section B of the measurement instrument using Cronbach's Alpha coefficient estimates. Consequently, a Cronbach Alpha score of 0.7 is considered acceptable in this study based on the relatively small number of items employed in each subset analysis (land related variables). This cut-off point is accepted by George and Mallery (2003: 53-55); Pallant (2016). Cronbach's Alpha coefficient of between 0.5 and 0.7 is acceptable by social scientist researchers as adequate consistency of variables used in measuring a dimension (George & Mallery, 2003; Chawla & Sondhi, 2011). A low Cronbach's Alpha score may be the result of a weak interrelatedness among variables used in the analysis, or if a few variables used to explain a particular dimension or factor (Tavakol & Dennick, 2011).

3.10 Ethical considerations

Ethics refers to whether an action is considered right or wrong according to principles, laws, policies, and codes of conduct (Sobočan, et al., 2018:2). In social science, conducting research involves collecting data from individuals, which could be confidential or sensitive in nature (Babbie, 2010:32). Common ethical issues or considerations researchers face in the pursuit of acquiring knowledge through social studies include seeking consent from respondents to collect data, maintaining confidentiality, avoiding bias, using appropriate research methodology and reporting, and using the information correctly (Kumar, 2011:198).

The researcher understands that people's rights are important and need to be respected. Therefore, this study was transparent about the aims and purpose of the research and that the obtained data will be solely used for academic purposes. This study ensured the protection of its respondents and participants and this was communicated in the 1st page of the research instruments. Herein, possible respondents and participants were informed of their right to withdraw from taking part in the study at any given time. Also, participants/respondents were informed of the time it will take to participate (interviews 30 minutes and 10 minutes from the survey questionnaires). The information collected was treated with utmost confidentiality and not used for personal gain. Permission was sought and obtained to conduct the study from the chief of Xolobe prior to commencement of the study. The consent letter was received from the Chief, who is the leader and in control of Xolobe. Further, participants were told that their involvement in the study was voluntary and assured that their names would not be mentioned. The study was limited to only participants who were willing to participate. The questions were set in a way that showed respect for the human values and dignity. Fieldworkers who assisted with data collection were guided on how to conduct themselves towards the participants, how to complete the questionnaire and how to adhere to Covid-19 protocols.

3.11 Limitation of the study

It is important to note that this study cannot be projected to represent the entire population of Intsika Yethu Local Municipality. It focused on rural women of Xolobe and leaders who manage land in this area. Limitations of this study included the study area, which is geographically located in a very remote area,

making accessibility one of the hindering factors in collecting data. The other limitation to this study was the issue of time in finishing data collection for the study. Data collection occurred for a period of 14 months (from December 2019 till February 2021). Time was one of the most pressing commodities in this study due to the time-frames of completing a PhD degree (5 years). Data collection was prolonged due to unforeseen circumstances that occurred during the study' period. The global pandemic (Covid-19) became the major challenge in collecting data for this study. It disrupted travel plans for the study, including limitations of adhering to social distancing protocols (wearing of masks and constantly hand sanitising). As such, data collection was delayed and could only occur during lockdown Level 1 restriction. Additionally, scheduled interviews that were to be held face-to-face ended up being conducted telephonically as a measure of adherence to Covid-19 protocols. Collecting data during the pandemic period affected the study as some respondents who would have participated were reluctant to participate in fear of the spreading disease. An issue that may affect the validity, reliability and generalisability of the study findings is the population size, which might not represent the actual number of the target population in the study area. The study used non-random sampling, which reduces s generalisability as each member of the population did not have an equal chance of being selected. However, the use of a large sample size (314) mimicked the probability sampling method, this addressed this limitation in this study.

3.12 Conclusion

This chapter provided details of processes and procedures on how data was collected for the study. It explained the methodological issues and reasons behind selecting the methods. It provided details on how fieldwork was conducted, outlined limitations of the study, ethical considerations, dealt with validity and reliability and described data analysis of the study.

The next chapter presents the data and provides interpretation of the results on rural women's perceptions on land related issues.

CHAPTER 4

PRESENTATION, ANALYSIS AND INTERPRETATION OF DATA (QUANTITATIVE APPROACH: DATA OF RURAL WOMEN)

4.1 SECTION A

4.1.1 Introduction

A mixed method approach of data collection was adopted in this study. Thus, this section (Section A) presents the results derived from both the qualitative and quantitative data utilized for this study. The quantitative nature of the study focused on rural women of Xolobe Administrative Area (AA) of Intsika Yethu Local Municipality in Eastern Cape, South Africa, whereas the qualitative aspect of the research was designed in two distinct ways. The first approach of the qualitative approach was embedded within the quantitative questionnaire. This was designed to cover the full view of respondents on the subject under investigation. The second approach was in the form of face-to-face and telephone interviews with traditional leaders (chief and sub-headmen), ward councillor and the Manager of the Department of Rural Development and Agrarian Reform of Intsika Yethu Local Municipality. Therefore, the results of the study are divided into two chapters (Chapter 4 & Chapter 5). The first chapter of results (Chapter 4) addresses data collected from rural women of Xolobe. The chapter commences with the interpretation of the quantitative data (survey questionnaire) and concludes with the open-ended type of questions embedded within the questionnaire (qualitative aspect of the questionnaire). The second chapter of results (Chapter 5) presents data collected from traditional leaders (chief and sub-headmen), ward councillor and the Manager of the Department of Rural Development and Agrarian Reform of Intsika Yethu Local Municipality.

The section that follows discusses results from data collected from the rural women of Xolobe AA. The section firstly presents the demographic data of the 308 rural women of Xolobe.

4.1.2 Respondents' response rate (quantitative)

A concurrent research approach following a sequential technique guided the data collection process of this study. Therefore, data was collected in stages and was not guided by the research method (say quantitative versus qualitative). The data collection commenced at the middle Xolobe as this is where the researcher and fieldworkers are based. Whereafter, data was collected at the lower Xolobe. This

area was followed by the upper Xolobe. Data collection for this study occurred in December 2019 and was forced to a standstill in March 2020 due to Covid-19 regulations. As such, response rate at the middle Xolobe was much higher than the lower and upper Xolobe. Data collection at these two rural communities (lower and upper Xolobe) occurred in the midst of Covid-19. This affected response rate in these areas as people were scared of spreading or receiving the virus although measures to prevent the spread of Covid-19 were observed in the study. To the advantage of this study however, the use of local residents as fieldworkers enabled trust in assisting with taking part in the study amidst of the spread of the virus. As such, fieldworkers were able to be received in some of the local households and collect data while seated outside in the shade area of the households whilst observing Covid-19 protocols. Hence, the study was in a position to meet up with the targeted number of 308 survey questionnaires. The profiles of these respondents are discussed further in the next section.

4.1.3 Rural women profile of respondents

A total of 308 rural women from Xolobe of Intsika Yethu Municipality in Eastern Cape were surveyed in this study. The socio-demographics characteristics of the sample are presented in Table 4.1.

Table 4.1: Respondents' demographics

Variable	Category	Frequency	Percentage
Years in the area	Since birth	220	71.43
	Below 2 years	35	11.36
	2 years and above	43	13.96
	Do not stay here	10	3.25
People you live with	My children	146	47.40
	Living alone	76	24.68
	Husband or partner	46	14.94
	Other	40	12.99
Marital	Married	104	33.77
	Single	130	42.21
	Widow	60	19.48
	Divorced	14	4.55
Age Group	16 -25	40	12.99
	26 -35	60	19.48
	36 -45	75	24.35
	46 -55	55	17.86
	56 -65	46	14.94
	65 +	32	10.39
Education attainment	Never attended school	14	4.56
	Sub A- Std 2/	32	10.42
	Grade 1-grade 4	57	18.57
	Std 3- Std 6/	122	39.74
	Grade 5-8	46	14.98
	Std 7- Std 10/	36	11.73
	Grade 9-12		
	College University		
Income	Employed	71	23.05
	Self employed	32	10.39
	Pensioner	59	19.16
	Social Grant	36	11.69
	Supported by family member	105	34.09
	Other	5	1.62
Household income	R0.00 -R500.00	83	26.95
	R600.00 -	78	25.32
	R1500.00	55	17.86
	R1600.00 -	47	15.26
	R2500.00	44	14.29
	R2600.00 -	1	0.32
	R8000.00		
	above R9000.00		
Employment Status	Working	44	14.29
	Looking for job	131	42.53
	Not looking for job	78	25.32
	Never worked	11	3.57
	Too old to work	44	14.29
	Birth related establishment	Have no children	120
Have girl children		123	40.07
Have male children		41	13.36
Have adopted male child		10	3.26
My husband has male child		12	3.91
Other		1	0.33

Researcher's own compilation

Table 4.1 shows that majority (71%) of the respondents had lived in this area since birth, 1% (35) had been living there for less than 2 years, 43 (14%) had lived in the area for at least 2 years and only 10 (3%) did not stay in the surveyed areas. Majority (42%) of the respondents were single. Even so, 34% of the study sample were married and 19% were widows, while 5% were divorced. The educational attainment of the sample showed that 40% of the sample had qualifications ranging between Grade 9 and Grade 12 (Standard 7 and Standard

10) and 19% ranged between Grade 5 and Grade 8 (Standard 3 and Standard 6). Those whose qualifications ranged between Grade 1 and Grade 4 (Sub-A and Standard 2) constituted 10% and 4% never attended school. Even so, those who acquired a college degree accounted for 15%, while 12% had acquired a university degree. Majority of the respondents seemed to be supported by their family members (34%), With 23% employed, 10% self-employed, another 11% depended on social grants and 19% depended on pension.

Majority of respondents showed that their household income ranged between R0.00 to R500.00, whereas the household income of 25% ranged between R600.00 and R1500.00. A total of 18% of the respondents' household income ranged between R1600.00 and R2500.00, while the household income of 15% of the sample ranged from R2600.00 to R8000.00. Another 14% of the respondents relied on a household income of R9000.00 and above. Many of the respondents were looking for employment (43%), 14% were already working and another 25% were not looking for jobs. A small percentage (4%) of this group had never worked and 14% were too old to work. The sample showed 40% of the respondents had girl children, 39% had no children and another 13% had male children. A mere 3% of the respondents had adopted male children and 4% of the respondents' husbands had male children.

The socio-demographic characteristics of women in this community showed that most were poor and not working, while others had low income. The old women depended on social grants and old age pensions while majority of women depended on assistance by other members of the household for living. Most women in the community had a low level of education, while others were illiterate, which means they might not understand their land rights that could assist them to have access to and ownership of land. This is confirmed by Chigbu (2019:10), who asserts that educated women are likely to have access to and ownership of land as they can understand their land rights and procedures followed when applying for land. Before the dawn of democracy, in some traditional societies, widows and divorced women were faced with challenges of losing their inherited land in cases of divorce or death of their husbands when contesting with male in-laws, but these days things have changed in most democratic societies. All people have equal rights to access and ownership of land. This community has many women who are household heads, which means that access to land may be necessary for women to care for their families and themselves.

The following section discusses results from land related variables identified from the literature with regard to land ownership, land accessibility, and importance of land.

4.1.4 Land availability to rural women

In meeting the study's objectives, the rural women of Xolobe were asked questions that address land availability to rural women in the area. According to Berry (2017:109), land is a resource that does not lose value in times of political and economic crises but continues providing high value for the needs of people. According to (Meinzen-Dirk *et al.*, (2019:72), land availability is important for most rural households who depend on agricultural activities for livelihood. Mutangadura (2004:2) argues that most women in Southern Africa depend on land for their living. Moyo (2013a:5393) confirms that rural women have been using land for years in building houses, farming and using land for other domestic activities. Women are the main players involved in gardening to get food for their family needs. The obtained results are presented in Table 4.2. Reliability test was done through computing Cronbach alpha. Q3, Q8 and Q10 are the scales that have lower than threshold of 0.7 (rounded off). The scale of interest that relates to the objective is Q5, which has higher reliability score (above 0.7), implying the five items measure the same thing, that is, awareness of land rights.

Table 4.2: Land availability

Variable	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1.1 There is land for building houses in my community	4.22	3.25	6.17	36.36	50.00
1.2 There is land for grazing in my community	1.96	7.19	10.46	38.56	41.83
1.3 There is free land available for farming to members of the community	0.32	8.44	23.05	35.06	33.12
1.4 Land is available for everyone that asks for it in my community	2.27	6.17	22.73	41.88	26.95
1.5 There is land for business activities in my community	1.95	25.97	30.84	31.49	9.74
Reliability Statistics (land availability) Cronbach Alpha = ..., N of Items = 5					
Valid cases = 308 (100%, Excluded cases = 0, Total = 308)					

Land availability does not appear to be a problem in the rural area of Xolobe, as majority of respondents (86%) stated that land for building houses and grazing (79%) is available. The results show that land for farming is also not an issue in this community as 68% of respondents agreed with this statement. The findings suggest that land is available for everyone who asks for it in this community,

including land for business-related activities (40%). This means that availability is not a problem that inhibits women from obtaining land in the community as it is available for residential, agricultural, grazing and business purposes. These results support the statement made by Luwaya (2018:106) that through the South African Land Act of 1913, black communities lost their land, while black women lost their rights to land, dignity and their productive value on land.

4.1.5 Land ownership and access

Land acquisition results from the study sample are presented in Table 4.3.

Table 4.3: Land ownership and access

Variable	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
2.1 I am the owner of land for my home	17.59	21.82	8.14	31.27	21.17
2.2 Land is owned by certain people in my community	18.89	16.94	16.61	36.81	10.75
2.3 I have access to land for other purposes in my community	18.83	15.26	15.58	29.22	21.10
2.4 I have no ownership of land in my community	19.81	24.03	8.44	31.82	15.91
2.5 I have no access to land for any purposes in my community	19.16	25.32	19.48	23.05	12.99
Reliability Statistics (land availability) Cronbach Alpha = ..., N of Items = 5					
Valid cases = 308 (100%, Excluded cases = 0, Total = 308)					

Even though it appears that land is an available resource in this community, many respondents do not seem to own their homes (39%). Some respondents (47%) perceive land to be owned by certain individuals in the community, whereas 50% of respondents supported the statement that they have no access to land for other purposes in the community. This finding is in line with Iruonagbe (2010:2604), who indicated that women work in the food production sector throughout the world, but do not own land. Feminists such as Burns and Walker (2005:66) challenge the subordination of women in society in that it devalues women, and the status of women remains low.

4.1.6 Land acquisition

Land acquisition related variables were asked next; Table 4.4 that follows portrays these results.

Table 4.4: Land acquisition

Variable	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
3.1 I got land through purchase in <u>my</u> Community	37.01	33.44	9.74	14.29	5.52
3.2 I got land through inheritance from <u>my</u> parents in my community	19.81	27.92	12.99	15.58	23.70
3.3 I got farming land in my community	25.97	26.30	10.71	27.60	9.42
3.4 I got land from inheritance from <u>my</u> husband in my community	19.81	27.92	25.32	18.51	8.44
3.5 I got land during communal allocation process in my community	23.05	32.47	13.64	25.00	5.84
Reliability Statistics (land availability) Cronbach Alpha = N of Items = 5					
Valid cases = 308 (100%), Excluded cases = 0, Total = 308					

Seventy percent (70%) of the respondents disagreed with the statement that they bought land in this community, while 47% of respondents got their land through inheritance from their parents. Even so, 52% of the respondents indicated that they did not have farming land in their communities, whereas 55% of respondents disagreed with the statement that they received their land through the communal allocation process in the community. This implies that women in this community have little knowledge about land allocation process since most also indicated that they did not have farming land. This finding supports findings of Sikwela *et al.* (2018), and Kepe and Hall (2018) who state that in South Africa land reform has made little progress in fulfilling equity because women still do not own land.

4.1.7 Significance of land

Land is important to most women in sub-Saharan Africa to provide them with income and wealth since agriculture is the main economic activity available in sub-Saharan Africa (Muchomba *et al.*, 2014:97). Land is important because it offers many rights for people that relates to access food through farming land, housing, identity, control of land and economic freedom for development purposes. The significance of land significance as indicated by respondents is presented in Table 4.5.

Table 4.5: Land significance

Variable	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
4.1 Land is important for farming	0.65	1.30	10.71	34.09	53.25
4.2 Land is important for shelter	0.65	3.57	13.64	29.87	52.27
4.3 Land is important for keeping of Livestock	0.65	4.56	14.01	28.66	52.12
4.4 Land is important for social activities	0.32	5.52	9.74	31.82	52.60
4.5 Land is important to support the welfare of life (food, clothing children's education etc.)	0.32	2.60	4.22	29.55	63.31
Reliability Statistics (land availability) Cronbach Alpha = <u>...</u> , N of Items = 5					
Valid cases = 308 (100%, Excluded cases = 0, Total = 308					

The results suggest that 87% of respondents perceive land as an important resource for farming, shelter (82%), livestock keeping (80%), social activities (83%) as well as welfare of life (93%). These findings suggest that most women understand the importance of accessing land as they mentioned that land provides many benefits that would help them live better. This finding is in line with the results of the study conducted by Moyo (2013a: 5393), which found that land is an important commodity for rural women because they spend time offering their services in the agricultural and rural economy as producers, processors and in the marketers of food. Roba and Tolosa (2016:94) also confirms that land is important in preventing women from poverty and food insecurity. The importance of land is supported by Gibbens and Schoeman (2019:546) as land rights for women in South Africa may improve their standard of living.

4.1.8 Land rights awareness

Awareness of rights and access to information that keeps citizens updated is necessary for people who are poor, uneducated, and marginalised so that they may be able to understand their rights and claim them. For women to understand their rights and processes on land matters, they need to be informed about the systems, policies, meetings, programmes, and training that are available. According to Agarwal (2003:193), it is important to provide women with land rights to give them access to economic resources, allow them to gain access to and ownership of land, empower them to be in equal with men and give them knowledge about the land rights. Results of land rights awareness from this study are presented in Table 4.6.

Table 4.6: Land rights awareness

Variable	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
5.1 I am aware of land rights	1.95	13.64	7.47	48.38	28.57
5.2 I am aware that people have rights to land	0.97	12.34	12.34	47.08	27.27
5.3 I am aware that people have rights to acquire and own land in the community	1.95	14.29	15.91	46.75	21.10
5.4 I am aware that women have rights to own land	2.92	14.94	11.04	45.13	25.97
5.5 I am aware that women have right to access land	1.95	14.61	13.64	48.38	21.43

Reliability Statistics (land availability) Cronbach Alpha = ..., N of Items = 5
Valid cases = 308 (100%), Excluded cases = 0, Total = 308

Regarding the level of knowledge in terms of land rights of women in rural areas, 76% of respondents indicated their awareness of land rights. Another 74% agreed that they were aware that people have rights to land ownership and acquisition (67%), including women's right to land ownership (71%) and access (69%). This implies that women in this community are aware of their rights to land. This is contrary to supported by Bob (2000:63) stating that rural women have no knowledge and understanding of the laws that promote and protect their land rights. Land rights awareness is important for women because land is essential as the source of income and wealth to boost the economic activities of people in sub-Saharan Africa (Muchomba et al.,2014:97).

4.1.9 Land inheritance opportunities

Tschirhart et al. (2018:11) suggest that equal inheritance is not possible in improving access to land rights for women in rural communities because inheritance in the customary tenure system favours men. Historically, in South Africa, racial laws were used to restrict women from residing in cities, deny women their land rights, and customary laws excluded women from inheritance of land and property, while traditional leaders used measures and attitudes created by colonial and apartheid rulers to exclude women as if they were traditional customs. Land inheritance opportunities from this study are presented in Table 4.7.

Table 4.7: Land inheritance opportunities

Variable	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
6.1 Family members in my community have equal opportunity to inherit land	17.21	25.97	14.29	36.69	5.84
6.2 Women in my community have opportunity to inherit land	3.57	26.62	23.38	33.44	12.99
6.3 Extended family in my community have opportunity to inherit land	6.82	21.10	25.32	36.69	10.06
6.4 People in my community share equal opportunity of inheritance to land	13.64	26.62	19.48	33.12	7.14
6.5 Women in my community are not supported to inherit land	17.53	19.16	19.81	33.12	10.39

Reliability Statistics (land availability) Cronbach Alpha = .84, N of Items = 5
Valid cases = 308 (100%), Excluded cases = 0, Total = 308

The findings show contrasting views about family members having equal opportunities to inherit land as 42% agreed and another 43% disagreed with this statement. Forty-six percent (46%) of the respondents agreed with the statement that women can inherit land in this community, whereas 30% disagreed. Many respondents (46%) agreed that extended family members also have opportunities to inherit land in this community and that people share equal opportunities to inheritance of land (40%). This finding suggests that while widows and female children in traditional customs were excluded from inheritance by the family's laws upon the death of a woman's husband, things have changed with the South African democratic laws observed as shown in this community that discrimination against women is no longer applicable. This finding does not support Agrawal (2018:27) study, which found discrimination against women in agriculture since men dominate in inheritance laws, social norms, land markets and in the land management system.

4.1.10 Awareness of land allocation

The issue of awareness of land allocation was asked to rural women to find out if they were aware of land allocation process, which is not written down in the communal land administration but carried out by word of mouth. The respondents' awareness of land allocation is presented in Table 4.8.

Table 4.8: Awareness of land allocation

Variable	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
7.1 People in my community know where to apply for land	11.36	13.31	12.34	44.48	18.51
7.2 Women in my community know where to apply for land	11.36	24.35	14.29	35.06	14.94
7.3 People in my community know when to apply for land	9.42	16.23	22.40	40.26	11.69
7.4 Women in my community know when to apply for land	13.96	24.03	21.10	31.17	9.74
7.5 People in my community are not aware of where and when to apply for land	20.78	26.95	20.13	21.10	11.04
Reliability Statistics (land availability) Cronbach Alpha = .71 N of Items = 5					
Valid cases = 308 (100%, Excluded cases = 0, Total = 308)					

With reference to the awareness of land allocation, it was found that 63% of respondents were aware of where to apply for land, including women (50%). The findings also suggest that people (51%) in this community know when to apply for land, including women (41%). While the women were aware of where to apply for land, they may have problems with the correct procedure to apply for land since in the olden days land was allocated to men and women only got access to land through their male relatives. Land allocation announcements are often done in meetings, which rural women might miss because of their busy schedules with household chores. This means that rural women might need to be encouraged to apply for land and attend such meetings. The education level of rural women of Xolobe in Intsika Yethu Municipality is very low, their economic and employment levels are also very low. This may have an effect on rural women's acquisition of land rights since they may be dependent on the assistance by other people during land distribution. According to Njoh and Ananga (2016:101), women need to be empowered to be independent and understand the procedures applicable to land.

4.1.11 Effects of traditional laws and practices on women's lives

Effects of traditional laws and practices on women's land rights lives was asked to ascertain if rural women of Xolobe were excluded from accessing and owning land rights in the community because of traditional influence. Historically, traditional laws and practices were unfair towards women since they excluded them from owning property rights and women could get access to land only through their relations with male family members. The Communal Land Rights Act in South Africa has not been successful in protecting the land rights of women and the Act has been placed on hold (Bohler-Muller and Daniels (2009:27). The

effects of traditional laws and practices on rural women's land rights under Xolobe are presented in Table 4.9.

Table 4.9: Effects of traditional laws and practices on women's lives

Variable	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
8.1 Traditional practices as regard to land allocation are important in my community	2.60	8.12	8.77	46.43	34.09
8.2 Traditional laws accept women land ownership in my community	10.71	18.18	15.91	40.58	14.61
8.3 Traditional leaders are respected in my community	4.22	9.42	9.42	48.38	28.57
8.4 Traditional leaders fairly distribute land in my community	6.82	29.22	22.40	34.09	7.47
8.5 I am not happy that land in my community is allocated by traditional leaders	21.10	30.84	20.13	22.08	5.84
Reliability Statistics (land availability) Cronbach Alpha = N of Items = 5					
Valid cases = 308 (100%, Excluded cases = 0, Total = 308)					

The study found that 80% of respondents regard traditional land practices important in this community. The study interpreted data also suggests that 55% of respondents perceive traditional laws to be receptive of women's land ownership in the community and that traditional leaders are respected in the community (76%), including fair distribution of land (41%). The findings show that 51% of respondents are happy about the land allocation made by traditional leaders. Women in this community are comfortable with the role played by traditional leaders in allocating land. This means that land managers such as traditional leaders in the community no longer discriminating against women as was the case in the olden days where traditional practices were used to discriminate against women on land matters. This finding supports Yingji and Sithole (2018:513), suggesting that cultural and customary practices that are discriminatory towards women to access and own land rights need to be changed so that traditional leaders may distribute land equally to men and women.

4.1.12 Awareness of laws on land

Awareness of laws on land is important for rural women so that they can understand the laws related to land. According to Moyo (2013a: 5397), rural women need to be trained to have knowledge about land laws, land procedures, land rights and skills to be able to participate in land matters. Therefore, it is necessary for the policymakers to assist historical disadvantaged groups such as

uneducated women to know about the land laws. Respondents' awareness of laws on land in this study is presented in Table 4.10.

Table 4.10: Awareness of laws on land

Variable	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
9.1 I am aware of the land act	10.39	25.97	15.91	27.27	20.45
9.2 I am aware of that there are laws that are followed by people to apply for land in my community	9.09	27.92	12.01	27.60	23.38
9.3 I do not know if there are laws followed by people to apply for land	18.18	13.64	19.16	35.06	13.96
9.4 I am aware of that there are laws followed to transfer land	8.44	13.96	11.69	47.73	18.18
9.5 I do not think that the laws are followed in terms of allocation and transfers of land in my community	15.64	15.64	19.54	34.20	14.98
Reliability Statistics (land availability) Cronbach Alpha = N of Items = 5					
Valid cases = 308 (100%, Excluded cases = 0, Total = 308					

The study found that 48% of respondents were aware of the Land Act of 1997. Contrasting views emerged with regard to the Act being followed when allocating land as 51% agreed the laws were being followed in land allocation, while 49% of respondents did not know if the laws were followed by people in applying for land. Moreover, another 49% of respondents did not think that the laws were followed. This means that women's participation in land rights depends on their knowledge and awareness of their land rights. Since women in this community have little knowledge about land rights processes, they are unable to get access and ownership on land. This finding is supported by Moyo (2013a:5397), who found that in post-apartheid South Africa, rural women experience challenges in land access and ownership and the challenges relate to lack of knowledge about land legislation, lack of knowledge about land processes, lack of knowledge about land rights and lack of training. Further, the study by Bohler-Muller and Daniels (2009:26) reveals that Communal Land Rights Act of 2004 was problematic as it provided no security to solve the issues related unfair discrimination of women as such it was placed on hold since then.

4.1.13 Awareness of policies on land

The women were asked the question on awareness of policies on land to determine if they were aware of land policies. Albertyn (2011:140) states that law can either be positive or negative towards the rights of women because of gender attitudes to women's claims or laws may not be properly implemented to protect

women's land rights. South African land legislation and policies support equal access to land by both males and females, but these laws have not been effective in protecting women in their struggle to access and own land rights (Ezeuduji et al., 2021:23). The level of respondents' awareness of policies on land is presented in Table 4.11.

Table 4.11: Awareness of policies on land

Variable	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
10.1 I know issues on land policy in my community	26.62	26.95	16.88	23.38	6.17
10.2 I do not know the land policy in my community	16.56	14.29	21.10	35.06	12.99
10.3 I have never been in meeting that talks about policy on land in my community	9.42	9.74	9.42	43.83	27.60
10.4 I have been in a meeting that talks about land policy in my community	32.14	30.52	12.34	13.31	11.69
10.5 I know land policy of 1997	30.52	22.73	18.83	23.38	4.55
Reliability Statistics (land availability) Cronbach Alpha = ., N of Items = 5					
Valid cases = 308 (100%, Excluded cases = 0, Total = 308					

The findings from this study suggests that 53% of respondents were aware of land policy issues in their community, while 48% agreed they were unfamiliar with the land policy issues in this community. Many respondents (71%) stated that they had never been in a meeting that dealt with land policy in their community. Meanwhile, 53% of respondents stated that they did not know the Land Policy Act of 1997. Women in the community seemed to have no knowledge about land policies. This finding supports the finding by Kepe and Hall (2018) that South Africa's land reform has not been successful in redressing problems related to inequality in access to land that include racism, gender inequality and human dignity. Meinzen-Dick et al. (2019:76) further articulate the view that it is important for women to have knowledge about legal rights on land such as tenure security, land transferability and gender rights to increase investment in land. This implies that women in this community, if provided with knowledge about land laws and policies, may be able to claim their land rights and have access to and ownership of land. Land policy awareness programmes for rural people, particularly for women may encourage them to participate during policy formulation and implementation.

4.1.14 Women participation in decision making on land matters

The issue of women's participation in decision-making on land matters was raised to ascertain if women in the community participate in discussing issues on land. Participation of women in land matters could bring out the needs and interests of women, which may help policy makers in the developing policies on land. Women's participation in decision making on land matters in this study is presented in Table 4.12.

Table 4.12: Women participation on decision making on land matters

Variable	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
11.1 Men in my community make decisions on land issues/land to be used	2.92	13.96	10.06	40.58	32.47
11.2 Women in my community make decisions on land matters	12.99	39.94	14.29	19.81	12.99
11.3 Women are consulted to give their views on land matters in my community	9.42	25.97	14.29	33.44	16.88
11.4 Women are not consulted to give their views on land in my community	18.51	28.25	11.04	26.62	15.58
11.5 Women in my community do not make decisions on land matters	20.20	11.73	24.10	32.57	11.40

Reliability Statistics (land availability) Cronbach Alpha = .88, N of Items = 5
Valid cases = 308 (100%, Excluded cases = 0, Total = 308)

The findings suggest that men dominate in decisions on land issues (73%). About 32% of respondents were of the view that women make land decisions in the community. Even so, 50% of respondents agreed with the statement that women are consulted on land issues in the community, while 42% agreed that women's observations on land matters are not considered in the community. This implies that women in this society do not participate in matters of land and may be because women are not aware of land matters or see land matters as male responsibilities as was the case during the colonial era and in the traditional system. This finding is supported by Albertyn (2011:140) who acknowledges South Africa as a patriarchal society where the structure is such that power lies in the hands of men, while women are subordinated in private and public life. Giving women a chance to voice their interest in land may encourage them to participate during land policy-making process. Chigbu et al. (2019:17) suggest that when formulating policies on land, the policy makers may also look at the class and the status of women in their homes, communities, politics, social cultures, and institutions because women are not on the same level

4.1.15 Interest in land ownership and access

Table 4.13 below illustrates the variables that were identified to be associated with land ownership and access for rural women at Xolobe.

Table 4.13: Interest in land ownership and access

Variable	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
12.1 I would like to own land in <u>my</u> community	2.27	2.92	9.09	35.71	50.00
12.2 Land in my community can only be accessed by those that have money to buy it	20.13	27.27	15.26	28.25	9.09
12.3 I do not afford to own land in <u>my</u> community	18.83	28.25	11.36	35.39	6.17
12.4 Land in my community is Expensive	19.81	40.26	14.29	19.81	5.84
12.5 I would like to have control over land matters in my community	3.25	10.39	11.69	46.75	27.92
Reliability Statistics (land availability) Cronbach Alpha=N of Items = 5					
Valid cases = 308 (100%, Excluded cases = 0, Total = 308)					

Seemingly, majority of respondents (86%) are interested in owning land in this community. Opposing views were expressed about access to land ownership being related to having money. A whopping 37% of respondents perceive ownership of land with having money to purchase such a resource, 47% disagreed with the statement that land can be accessed by those that have money in their community. This study findings suggest that majority of respondents cannot afford to own land. While Sixty percent (60%) of the respondents perceive land not to be t an expensive commodity and 74% would like to gain control over land matters. The findings show that women in this community have desire to access and own land, but they indicated that they have difficulty without money to care for their land since they lack resources. This implies that women perceive land as important and a commodity that can help them to get food for their families, get access to and own money from the selling farm products and improve their standard of living. This finding is confirmed by Mutangadura (2004:3) who states that land is a commodity which, when provided to women, may improve their standard of living, empower them economically and ensure that they get equal share of resources with men.

4.1.16 Land related variables measurements against outcome variables

Awareness of land rights was of paramount interest in this study; thus, it was used in subsequent analysis as an outcome variable. The study first cross tabulated land rights awareness in each of the demographics.

4.1.16.1 Land rights awareness measurement against years in the area

The cross tabulation of land rights related variables was performed to determine the outcome against the length of stay of rural women in the area. Table 4.14 presents results from land rights awareness measurement against years the length of participants' stays in the area.

Table 4.14: cross tabulation of land rights awareness associated with length of stay of rural women in the area

Variable	YEARS IN THE AREA					Chi2/p*
	Since Birth	Below 2 years	2 years	Do not stay	Total	
5.1 I am aware of land rights	173	25	31	8	237	1.579
	78.64	71.43	72.09	80.00	76.95	0.664
5.2 I am aware that people have rights to land	168	24	32	5	229	4.190
	76.36	68.57	74.42	50.00	74.35	0.242
5.3 I am aware that people have rights to acquire and own land in the community	162	15	26	6	209	14.758
	73.64	42.86	60.47	60.00	67.86	0.002
5.4 I am aware that women have rights to own land	163	27	24	5	219	8.637
	74.09	77.14	55.81	50.00	71.10	0.035
5.5 I am aware that women have right to access land	159	26	24	6	215	5.419
	72.27	74.29	55.81	60.00	69.81	0.144
Total	825	117	137	30	1109	
	375.00	334.29	318.60	300.00	360.06	
Cases	220	35	43	10	308	

* Pearson chi2(3) / unadjusted p-values

Overall Test(s) of Significance: Pearson chi²(84) = 200.2709 Pr = 0.000

Table 4.14 shows that there is a statistically significant association between land rights awareness and years of living in the area as Pearson chi²(84) = 200.2709 with probability (Pr) = 0.000. The items that are statistically significant are awareness of land acquisition in owning land in the community and women's awareness that they have rights to own land, given the high chi² values and corresponding p-values less than or equal to 0.05. Association has been depicted between 'I am aware that people have rights to acquire and own land in the community' (statement:5.3) and that 'I am aware that women have rights to own land' (statement:5.4) and number of years living in an area. Those who lived longest in an area were fully aware of the level of land acquisition and ownership.

Apparently, rural women still do not own land even though they live in this area for long and seem to be aware of land acquisition. The reason could be that rural women lack competence to apply for land or perceive and accept that land should be controlled by men as it has been under the control of men in the olden days. This is confirmed by Kalabamu (2006:238) who highlights that patriarchal society is structured in a way that gives men more power to dominate resources using labour from their wives and children, while they are in control of all productive resources.

4.1.16.2 Land rights awareness measurement against people rural women live with

A cross tabulation of land rights awareness was conducted to measure the association between land rights variables and the type of people women at Xolobe live with. The results are presented in Table 4.15 that follows.

Table 4.15: cross tabulation of land rights associated with the type of people women live with

Variable	PEOPLE YOU LIVE WITH					Chi2/p*
	My children	Living alone	Living with husband	Other	Total	
5.1 I am aware of land rights	109	56	41	31	237	4.744
	74.66	73.68	89.13	77.50	76.95	0.192
5.2 I am aware that people have rights to land	102	56	39	32	229	4.854
	69.86	73.68	84.78	80.00	74.35	0.183
5.3 I am aware that people have rights to acquire and own land in the community	103	35	38	33	209	25.573
	70.55	46.05	82.61	82.50	67.86	0.000
5.4 I am aware that women have rights to own land	100	54	39	26	219	5.399
	68.49	71.05	84.78	65.00	71.10	0.145
5.5 I am aware that women have right to access land	101	53	35	26	215	1.327
	69.18	69.74	76.09	65.00	69.81	0.723
Total	515	254	192	148	1109	
	352.74	334.21	417.39	370.00	360.06	
Cases	146	76	46	40	308	

* Pearson chi2(3) / unadjusted p-values

Overall Test(s) of Significance: Pearson chi2(84) = 133.5342 Pr = 0.000

Only statement:5.3 has a statistically significant association with the type of people with whom the women live Majority of the women who live with children agreed to the statement about awareness of people's rights to acquire land in the community. This implies that women who have children perceive their land rights to be promising since the land for their families may be well-preserved because the land may be transferred to their children and grandchildren when they are no longer alive. In this way their inherited land may remain within their families.

4.1.16.3 Land rights awareness measurement against age

A cross tabulation of land rights awareness was conducted to measure the association between land rights variables and age of women. The results are presented in Table 4.16 that follows.

Table 4.16: cross tabulation of land rights of women associated with age of women

Variable	AGE						Total	Chi2/p*
	16-25	26-35	36-45	46-55	56-65	65+		
5.1 I am aware of land rights	36	46	58	36	34	27	237	9.180
	90.00	76.67	77.33	65.45	73.91	84.38	76.95	0.102
5.2 I am aware that people have rights to land	32	43	55	39	35	25	229	1.590
	80.00	71.67	73.33	70.91	76.09	78.13	74.35	0.902
5.3 I am aware that people have rights to acquire and own land in the community	18	44	51	38	32	26	209	13.138
	45.00	73.33	68.00	69.09	69.57	81.25	67.86	0.022
5.4 I am aware that women have rights to own land	32	40	54	41	32	20	219	3.668
	80.00	66.67	72.00	74.55	69.57	62.50	71.10	0.598
5.5 I am aware that women have right to access land	29	47	49	37	30	23	215	3.611
	72.50	78.33	65.33	67.27	65.22	71.88	69.81	0.607
Total	147	220	267	191	163	121	1109	
	367	366.67	356.00	347.27	354.35	378.13	360.06	
Cases	40	60	75	55	46	32	308	

* Pearson chi2(5) / unadjusted p-values

Overall Test(s) of Significance: Pearson chi2(140) = 210.2368 Pr = 0.000

With regard to age, only statement:5.3 (the awareness of people's rights to acquire land) had a statistical significance. Seemingly, age is a determining force in awareness of people's rights to acquire land among the women sampled for this study. This implies that young women have better chances to get land compared to old women who do not understand their land rights and still perceive land to be controlled by men. This is supported by Makhado (2016:33) who confirms that in Africa women's land rights and the rights of men are not treated equally in the management of traditional customs, cultural practices and customary laws.

4.1.16.4 Land rights awareness measurement against income

Table 4.17 depicts the results of cross tabulation of land rights awareness conducted to measure the association between land rights variables and the income of women.

Table 4.17: Land rights awareness variables associated with women's income (cross tabulation)

Variable	INCOME						Total	Chi2/p*
	Employed	Self-employed	Pensioner	Social Grant	Supported by family	Other		
5.1 I am aware of land rights	55	24	42	26	86	4	237	3.117
	77.46	75.00	71.19	72.22	81.90	80.00	76.95	0.682
5.2 I am aware that people have rights to land	54	24	40	25	82	4	229	2.754
	76.06	75.00	67.80	69.44	78.10	80.00	74.35	0.738
5.3 I am aware that people have rights to acquire and own land in the community	51	24	42	19	72	1	209	10.590
	71.83	75.00	71.19	52.78	68.57	20.00	67.86	0.060
5.4 I am aware that women have rights to own land	49	22	36	26	82	4	219	5.871
	69.01	68.75	61.02	72.22	78.10	80.00	71.10	0.319
5.5 I am aware that women have right to access land	51	24	37	19	80	4	215	9.186
	71.83	75.00	62.71	52.78	76.19	80.00	69.81	0.102
Total	260	118	197	115	402	17	1109	
	366.20	368.75	333.90	319.44	382.86	340.00	360.06	
Cases	71	32	59	36	105	5	308	

* Pearson chi2(5) / unadjusted p-values

Overall Test(s) of Significance: Pearson chi2(140) = 175.8853 Pr = 0.022

The cross tabulation of land awareness rights about income was statistically significant towards with respect to statement:5.3 (awareness of people's rights to land acquisition). Women with income are able to get access to and control land since they are able to buy or rent land, while women without income may struggle to access land or maintain it. This means that women without income suffer poverty without having access to and ownership of land. This finding is confirmed by Sikwela et al. (2018:484) in suggesting that distribution of farming land to the rural poor, who are the majority in South Africa, may resolve problems related to poverty, unemployment, and inequality in the country.

4.1.16.5 Land rights awareness measurement against household income

Table 4.18 illustrates a cross tabulation of land rights awareness conducted. This was to measure the association between land rights variables and household income.

Table 4.18: Land rights awareness associated with household income (Cross tabulation)

Variable	HOUSEHOLD INCOME						Chi2/p*
	R0.00	R600.00	R1600	R2600.00	Above R9000	Total	
5.1 I am aware of land rights	62	54	44	44	33	237	10.838
	74.70	69.23	80.00	93.62	73.33	76.95	0.028
5.2 I am aware that people have rights to land	62	50	42	39	36	229	7.005
	74.70	64.10	76.36	82.98	80.00	74.35	0.136
5.3 I am aware that people have rights to acquire and own land in the community	49	47	44	38	31	209	12.405
	59.04	60.26	80.00	80.85	68.89	67.86	0.015
5.4 I am aware that women have rights to own land	63	54	37	37	28	219	4.513
	75.90	69.23	67.27	78.72	62.22	71.10	0.341
5.5 I am aware that women have right to access land	60	48	42	35	30	215	4.589
	72.29	61.54	76.36	74.47	66.67	69.81	0.332
Total	296	253	209	193	158	1109	
	356.63	324.36	380.00	410.64	351.11	360.06	
Cases	83	78	55	47	45	308	

* Pearson chi2(4) / unadjusted p-values

Overall Test(s) of Significance: Pearson chi2(112) = 192.3646 Pr = 0.000

The cross tabulation associated with household income appeared to be statistically significant with statement:5.1 (awareness of land rights) as well as statement:5.3 (awareness of people's land ownership rights). This means that household income, through having land, may improve the standard of living of families and, in that way, reduce poverty within families. This is confirmed by Robaa and Tolossa (2016:96) who state that livelihood for rural households is necessary to gain access to assets such as natural resources, including land, social and economic rights.

4.1.16.6 Land rights awareness measurement against employment status

A cross tabulation of land rights awareness was conducted to measure the association between land rights variables and the employment status of women. The results are presented in Table 4.19.

Table 4.19: Cross tabulation of land awareness associated with employment status of women

Variable	EMPLOYMENT STATUS						Chi2/p*
	Working	Looking for employment	Not looking	Never worked	Too old to work	Total	
5.1 I am aware of land rights	27	107	56	10	37	237	11.320
	61.36	81.68	71.79	90.91	84.09	76.95	0.023
5.2 I am aware that people have rights to land	30	103	55	7	34	229	3.595
	68.18	78.63	70.51	63.64	77.27	74.35	0.464
5.3 I am aware that people have rights to acquire and own land in the community	30	92	51	4	32	209	6.039
	68.18	70.23	65.38	36.36	72.73	67.86	0.196
5.4 I am aware that women have rights to own land	27	101	55	8	28	219	5.545
	61.36	77.10	70.51	72.73	63.64	71.10	0.236
5.5 I am aware that women have right to access land	27	102	53	4	29	215	11.803
	61.36	77.86	67.95	36.36	65.91	69.81	0.019
Total	141	505	270	33	160	1109	
	320.45	385.50	346.15	300.00	363.64	360.06	
Cases	44	131	78	11	44	308	

* Pearson $\chi^2(4)$ / unadjusted p-values

Overall Test(s) of Significance: Pearson $\chi^2(112) = 206.4767$ $Pr = 0.000$

Cross tabulation associated with employment status was statistically significant with statement:5.5 (awareness of women's right to access land in this community). This means that women who are employed have better chances to gain access to and own land compared to those who are unemployed because employed women can get financial resources and apply for land during the land allocation process. This is supported by Chigbu et al. (2019:8), who indicates that women are different in their status and that wealthy women can afford to use their resources and increase their production on land.

4.1.16.7 Land rights awareness measurement against having children

Table 4.20 illustrates a cross tabulation of land rights awareness conducted to measure the association between land rights variables and the employment status of women.

Table 4.20: cross tabulation of land awareness associated with women having children

Variable	CHILDREN STATUS						Chi2/p*
	Have no children	Have girl child	Have male child	Have adopted	My husband	Total	
5.1 I am aware of land rights	98	98	26	7	7	236	8.460
	80.99	79.67	63.41	70.00	58.33	76.87	0.076
5.2 I am aware that people have rights to land	96	99	22	3	8	228	23.847
	79.34	80.49	53.66	30.00	66.67	74.27	0.000
5.3 I am aware that people have rights to acquire and own land in the community	84	84	25	7	8	208	1.062
	69.42	68.29	60.98	70.00	66.67	67.75	0.900
5.4 I am aware that women have rights to own land	95	89	21	5	8	218	13.472
	78.51	72.36	51.22	50.00	66.67	71.01	0.009
5.5 I am aware that women have right to access land	92	90	23	4	6	215	13.039
	76.03	73.17	56.10	40.00	50.00	70.03	0.011
Total	465	460	117	26	37	1105	
	384.30	373.98	285.37	260.00	308.33	359.93	
Cases	121	123	41	10	12	307	

* Pearson chi2(4) / unadjusted p-values

Overall Test(s) of Significance: Pearson chi2(112) = 203.6992 Pr = 0.000

The cross tabulation of variables associated with land awareness and the status of having children appeared to be statistically significant with statement: 5.1 (awareness of land rights), statement:5.2 (awareness of people’s rights to land), statement: 5.4 (awareness of women having rights to land ownership) and statement:5.5 (awareness of women’s right to access land). This means that rural women who have children perceive land as important for their inheritance and food security. This is confirmed by Muchomba et al. (2014:97), who explains that farming is the main economic activity available to most people living in sub-Saharan Africa that may be used to generate income and wealth.

4.1.17 Visual presentation of the measured data (land awareness measurements)

Visual presentations of land awareness variables were made using bar charts to show the number of respondents in certain categories of demographics per each of the items under land awareness variables (statement:5). Only respondents who chose ‘Agree’ and ‘Strongly Agree’ were included. This means that the charts show the number of respondents who, at least, agreed with the statement compared with their demographics. The following sections represent the chart visuals for data relating to respondents who agreed with the statements that addressed land awareness.

4.1.17.1 Land awareness measurement against years in the area

Respondents' land awareness was measured against the number of years they had been living in the area. The results are depicted in Figure 4.1.

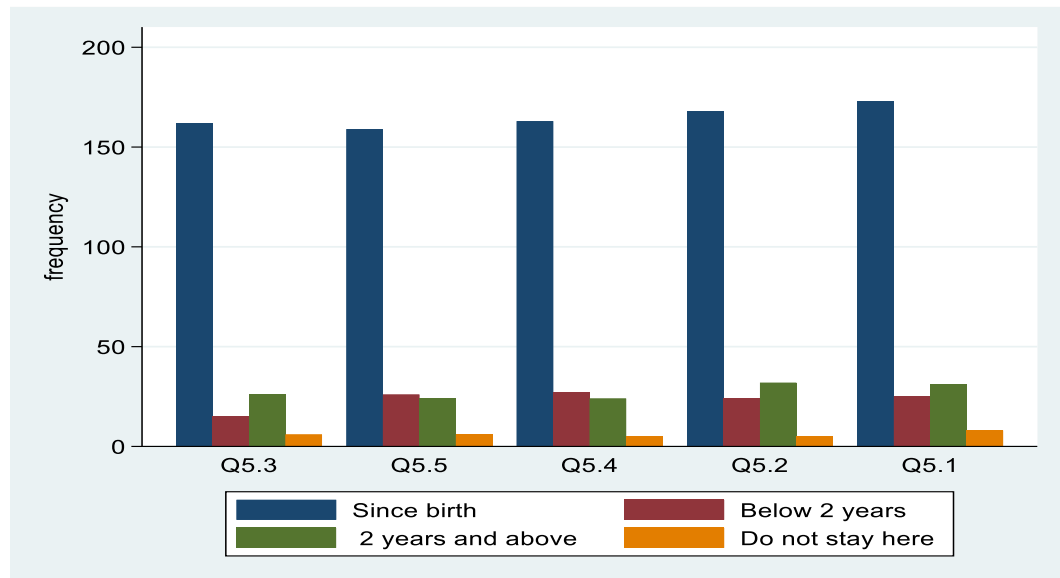


Figure 4.1: land awareness measurement against years in the area

Figure 4.1 shows that those who lived in the area since birth were the majority. However, in terms of proportion, it is clear those who lived in the area for 2 years and above agreed highly with statement:5.1, statement:5.2 and statement:5.3 than those who lived there for less than 2 years and those who did not stay there. Those with less than two years stay in the area agreed more to statement:5.4 and statement:5.5 than those who lived in the areas for 2 years and above. This shows that women who have lived in the community for less than two years believe that women have the right to own land (statement:5.4) and also have the right to access land (statement:5.5) than those who had been in the area for 2 years and above. Overall, the results to a very specific item statement:5.3 (I am aware that people have rights to acquire and own land in the community) indicate that those who lived in the area the longest were mostly aware of land access and ownership matters.

4.1.17.2 Land awareness measurement against people rural women lives with

Land awareness perceptions of rural women were further measured against the people these women lived with. The results are presented in Figure 4.2.

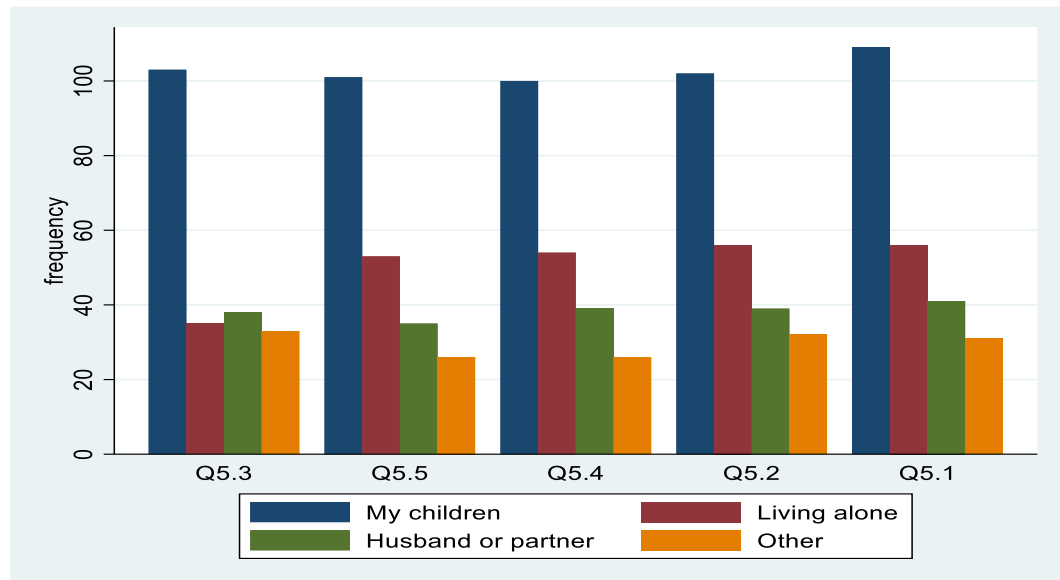


Figure 4.2: Visual representation – land awareness against people rural women lives with

Figure 4.2 is the visual chart that indicates those who lived with their children dominated the study. Even so, a proportion of the statistics shows that those living with their husbands or partners agreed more with statement:5.1, statement:5.2 and statement:5.4, while those living alone agreed more with statement:5.1, statement:5.2, statement:5.4 and statement:5.5. This shows that women who lived with their children believed women have the rights to own land (statement:5.1) and people have the right to acquire and own land in the community (statement:5.3), whereas those living alone believed people have the right to land ownership and access.

Below are the results that measures the land awareness of rural women against marital status.

4.1.17.3 Land awareness measurement against marital status

Land awareness agreement statements were measured against the marital status of rural women who constituted the study sample. These results are illustrated in Figure 4.3.

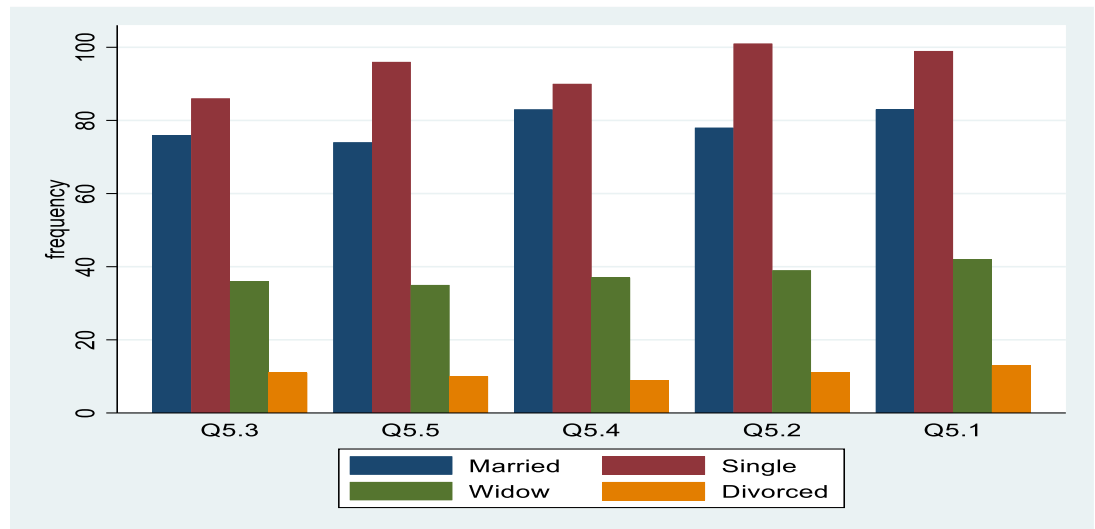


Figure 4.3: Visual representation of data – land awareness against marital status

The study measured land awareness variables against marital status. These outcomes are illustrated as Figure 4.3. Single women agreed more with statement:5.2, statement:5.1, statement:5.5, statement:5.4 and statement:5.3; those married and living in the area agreed more with statement:5.4, statement:5.2 and widows agreed more with statement;5.2, statement:5.4, statement:5.3 and statement:5.5.

The study further measured the land awareness variables against the level of education of Xolobe rural women.

4.1.17.4 Land awareness measurement against the level of education

Land awareness variables were further measured against the level of education of the rural women of Xolobe, the study sample. Figure 4.4 depicts the findings.

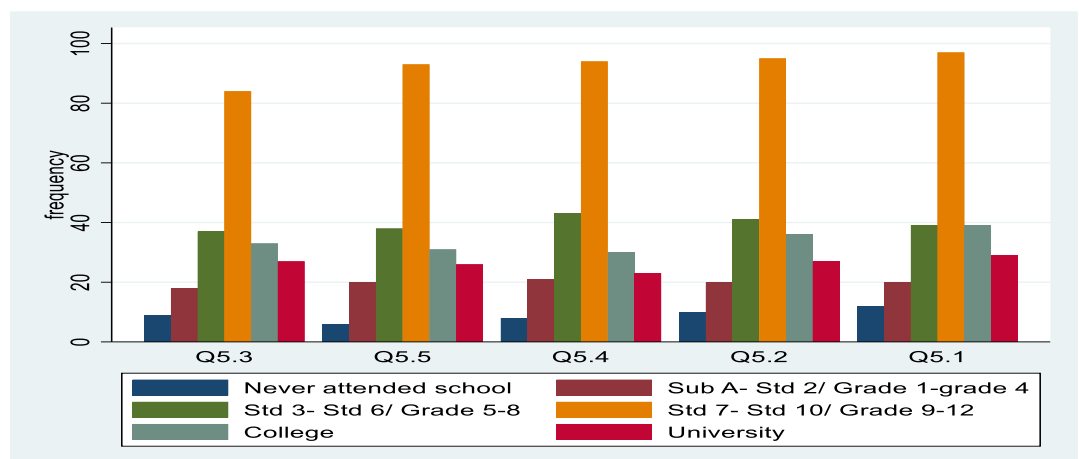


Figure 4.4: visual representation of land awareness variables against the level of education

The results show that those who had a high school education (Std 7-Std 10/Grade 9-12) agreed more with statement:5.1, statement:5.2, statement:5.4, statement:5.5 and statement:5.3, while those with college education agreed more with statement:5.4, statement:5.2, statement:5.1, statement:5.5 and statement:5.3. Further, those with a secondary school background (std 3-stad 6/ Grade 5-8) agreed more with statement:5.4, statement:5.2, statement:5.1, statement:5.5 and statement:5.3, while those with a university background agreed more with statement:5.4, statement:5.2, statement:5.3, statement:5.4. Finally, those who never attended school agreed mostly with statement:5.1, statement5.2, statement:5.4, statement:5.3 and statement:5.3.

The study further measured the land awareness variables against income.

4.1.17.5 Land awareness measurement against income

Land -related variables towards awareness were measured against income of respondents. The results are shown in Figure 4.5.

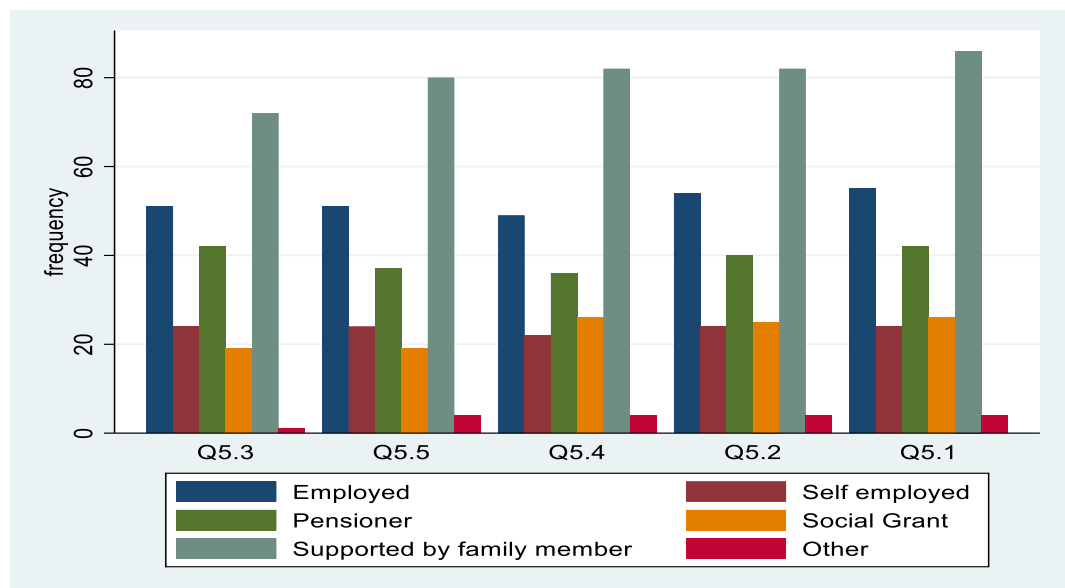


Figure 4.5: Visual presentation of data – land awareness measured against income

Figure 4.5 depicts visual presentation of results regarding land awareness variables measured against income. The results show that those statement supported by their family members agreed more with statement:5.1, statement:5.2, statement:5.4, statement:5.5 and statement:5.3. Those employed agreed more with statement:5.1, statement:5.2, statement:5.5, statement:5.3 and statement:5.4. While the pensioners agreed more with statement:5.3, statement:5.1, statement:5.2, statement:5.5 and statement:5.4. Whereas the self-

employed agreed more with statement:5.3, statement:5.5, statement:5.2, statement:5.1 and statement:5.4.

Furthermore, land awareness was measured against household income. This is discussed in the next section.

4.1.17.6 Land awareness measurement against household income

Figure 4.5 portrays the results of the land awareness variable measured against household income.

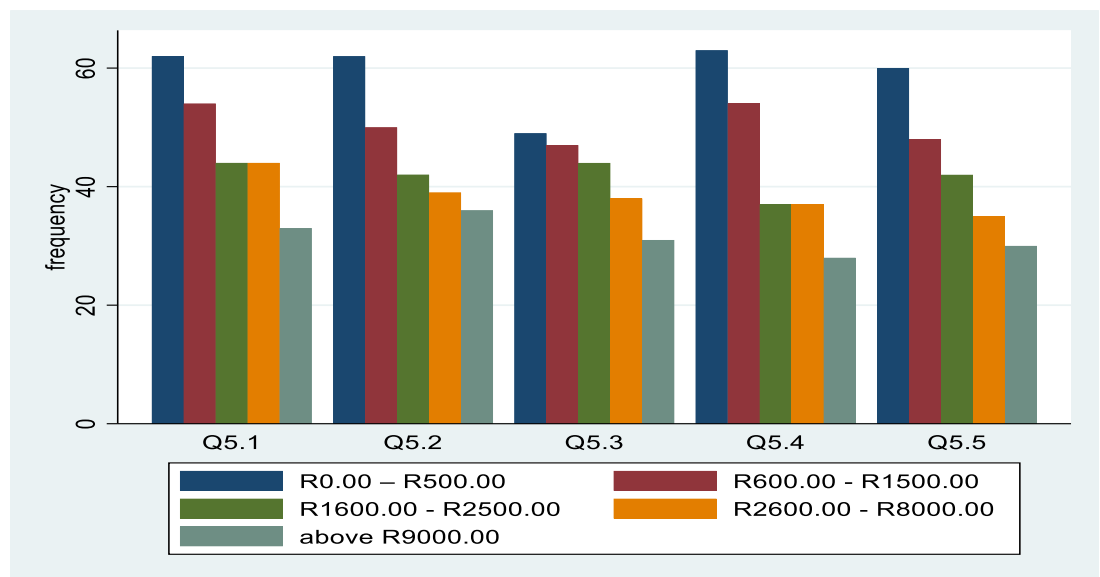


Figure 4.6: Land awareness measurement against household income

The results show that respondents with a household income of between R0.00 and R500.00 were the majority in the study sample. The results show and that they agreed more with statement:5.4, statement:5.2, statement:5.1, statement:5.5 and statemen:5.3. On the contrary, those with a household income between R600-.00 and R1500.00 agreed more with statement:5.4, statement:5.1, statement:5.5, statement:5.2 and statement:5.3. Those who had a household income of between R1600.00 and R2500.00 agreed more with statement:5.3, statement:5.1, statement:5.5, statement:5.2 and statement:5.4. Meanwhile, those with a household income between R2600.00 and R8000.00 agreed more with statement:5.1, statement:5.3, statement:5.5, statement:5.2 and statement:5.4. Furthermore, those with a household income of more than R9000.00 agreed with statement:5.2, statement:5.1, statement:5.5, statement:5.3 and statement:5.4.

The next section shows results from the land awareness variables measured against employment.

4.1.17.7 Land awareness measurement against employment

Land awareness variable was measured against employment. The results are illustrated displayed in Figure 4.6.

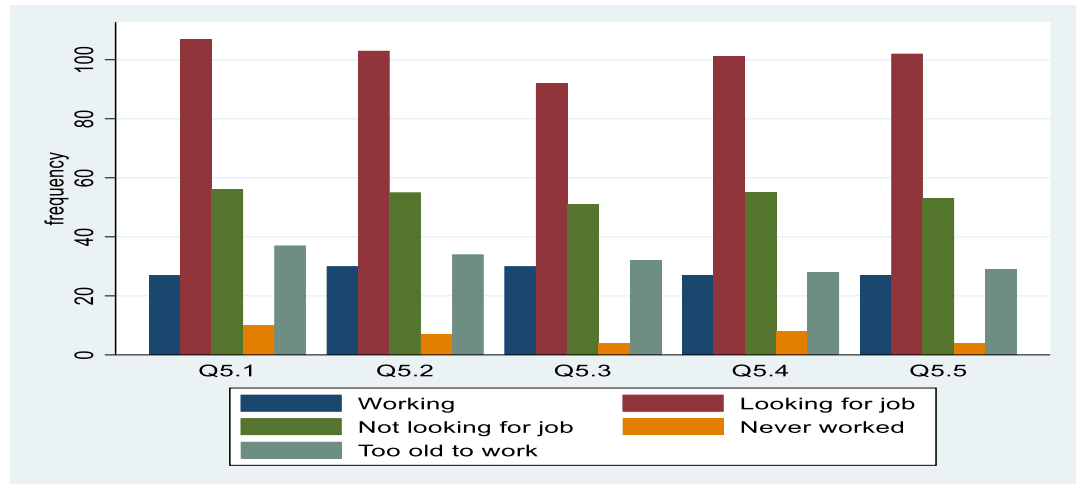


Figure 4.7: Land awareness measured against employment

Regarding land awareness variables measured against employment, the results show that those who were seeking employment were the majority in the study sample. Employment seekers agreed more with statement:5.1, statement:5.2, statement:5.5, statement:5.4 and statement:5.3. While those who were not looking for employment agreed more with statement:5.4, statement:5.1, statement:5.5, statement:5.2 and statement:5.3. Meanwhile, those t who were working agreed more with statement:5.3, statement:5.2, statement:5.1, statement:5.5 and statement:5.4. Furthermore, those that are too old to work agreed more with statement:5.1, statement:5.2, statement:5.3, statement:5.5 and statement:5.4.

The next section illustrates discusses results of land awareness variables measured against women who had children.

4.1.17.8 Land awareness measurement against having children

Land awareness variables were measured against women who had children. The results are depicted in Figure 4.8.

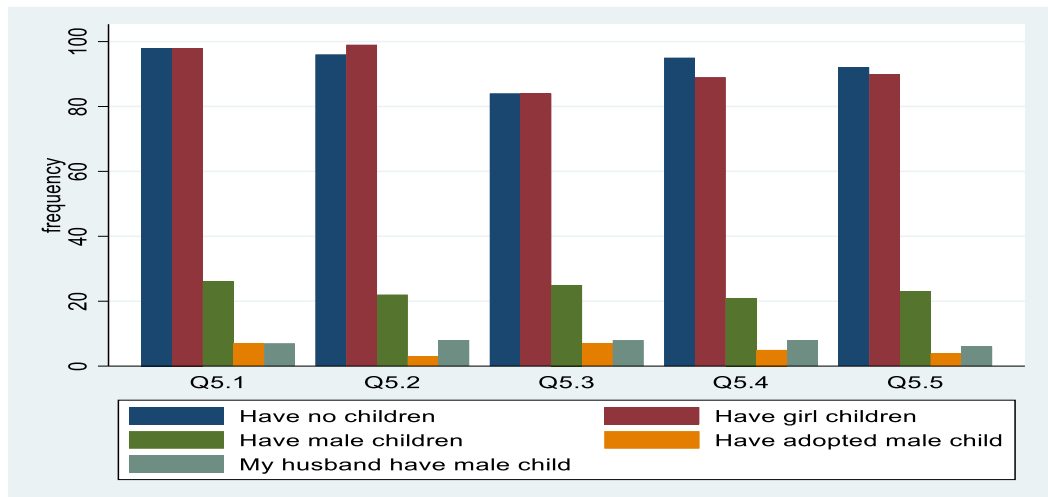


Figure 4.8: Land awareness measured against having children

Figure 4.8 shows that women had girl children dominated the study. The chart shows that those who had girl children agreed more with statement:5.2, statement;5.1, statement:5.5, statement:5.4 and statement:5.3. Those that have no children agreed more with statement:5.1, statement:5.2, statement:5.4, statement;5.5 and statement:5.3, while those who had male children agreed more with statement:5.1, statement:5.3, statement:5.5, statement:5.4 and statement:5.2. Whereas, it was also found that those whose husbands had male children agreed more with statement:5.2, statement:5.3, statement:5.4, statement:5.1 and statement:5.5. Furthermore, those who had adopted a male child agreed more with statement:5.1, statement:5.3, statement:5.5 and statement:5.2.

The next section shows results from the means of relatedness categories with regard to demographic measurements.

4.1.18 Means of relatedness to categories of demographics

Means of relatedness in categories of rural women regarding their awareness on land rights was performed in this study. Figure 4.9 that follows depicts these results.

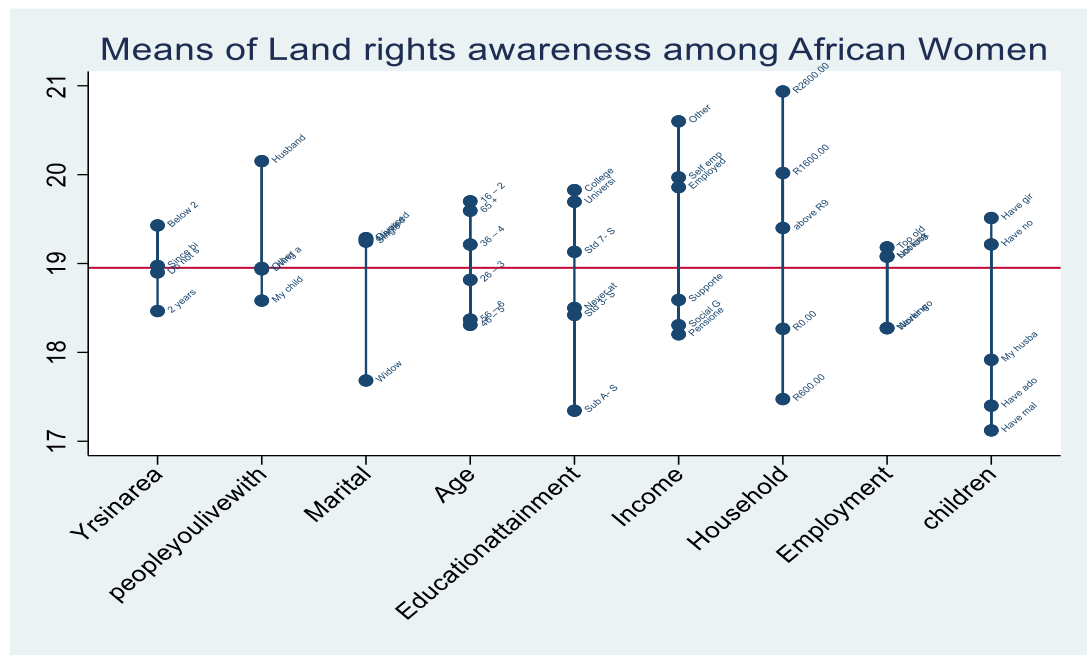


Figure 4.9: Means of land rights awareness among African Women

Figure 4.9 summarises how land rights awareness (statement:5) is associated with demographics. The statement:5 variable was analysed in terms of how its mean relates to the categories of demographics. If the category is above the mean red line, then individuals in the category are more aware of land rights. Those who stayed in an area since birth and below 2 years had higher awareness levels. So were those who stayed with their husbands, those who married and divorced; the very young and the very old (likely to be those living in the area either before moving to cities or after returning from cities); those with higher qualifications; those who were employed or self-employed; those of higher income; and those with girl children.

The results were computed to establish reliability on each scale of the findings. Further details on the reliability of the data are discussed in the next section.

4.1.19 Computed scores per item within a scale

Having established reliability on each scale, and reverse coded the items that needed that, total scores were computed by adding up the codes per each item within a scale. Table 4.21 summarises the new computed variables. By computation, the minimum is 5 (an individual who ticked Strongly Disagree throughout for the 5 items under each scale) and a maximum of 25 (when one ticks Strongly Agree for each of the items). A mean greater than 13 shows that,

on average, respondents agreed with the statements posed. Table 4.21 captures the reliability coefficient scores of the computed land related variables.

Table 4.21: Reliability coefficient scores

Variable	Obs	Mean	Std. Dev.	Min	Max
Land rights awareness	308	18.951	4.175	5	25
Land availability	308	19.315	3.338	7	25
Land ownership and access	308	14.818	2.904	7	24
Land acquirement	308	13.075	4.01	5	25
Land significance	308	21.769	3.199	10	25
Land inheritance opportunities	308	15.295	3.846	5	25
Awareness of land allocation	308	16.159	4.769	5	25
Effects of traditional laws and practices on women's lives	308	17.523	2.924	10	23
Awareness of laws on land	308	15.718	5.162	5	25
Awareness of policies on land	308	12.893	3.955	5	21
Women's participation on decision making on land matters	308	15.782	4.25	6	25

The mean of all the measures land related variables was greater than 13; this showing an average agreement with the statements posed, hence, the scales of the computed variables showed reliability.

In addition, a pairwise correlation test was conducted on the data to establish the relationships between land related variables measured in the study. These results are presented in the next section.

4.1.20 Pairwise correlations

In examining further, the relationships between factors that contribute to land availability, land ownership, land acquisition, land significance, land rights awareness, land inheritance opportunities, effects of traditional laws and practices on women's lives, awareness of policies on land, awareness of laws on land, women's participation in decision making on land matters and interest in land ownership and access, a pairwise correlation was performed. The pairwise correlation is depicted in Table 4.22.

Table 4.22: Pairwise correlations

Variables	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
(1) Q5total	1.000										
(2) Q1total	0.078	1.000									
(3) Q2total	0.123*	-0.098	1.000								
(4) Q3total	0.116*	-0.086	-0.101	1.000							
(5) Q4total	0.417*	0.423*	-0.068	- 0.244*	1.000						
(6) Q6total	0.334*	0.115*	-0.040	0.072	0.121*	1.000					
(7) Q7total	0.472*	0.011	0.176*	-0.047	0.234*	0.623*	1.000				
(8) Q8total	0.304*	-0.010	0.239*	- 0.280*	0.219*	0.072	0.255*	1.000			
(9) Q9total	0.265*	0.200*	-0.094	0.030	0.209*	0.627*	0.578*	0.088	1.000		
(10) Q10total	0.084	- 0.315*	0.193*	0.346*	- 0.215*	0.115*	0.104	- 0.165*	-0.043	1.000	
(11) Q11total	- 0.209*	-0.051	0.056	- 0.155*	-0.082	- 0.462*	- 0.422*	-0.019	- 0.669*	0.071	1.000

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

Table 4.22 shows association of the variables measured by sub-scales question or statement:5 to question or statement:11. The outcome of interest is statement:5, whose interpretation focuses on the first column. The results show that Land rights awareness (statement:5 total) is positively associated with Land ownership and access (statement:2), Land acquirement (statement:3), Land significance (statement:4), Land inheritance opportunities (statement:6), Awareness of land allocation (statement:7), Effects of traditional laws and practices on women's lives (statement:8 Awareness of laws on land (statement:9), while negatively related to Women's participation on decision making on land matters (statement:11).

4.1.21 Conclusion

This first section of the results discussed findings from the quantitative aspect of the research. A total of 308 survey questionnaire were used in the study. The results from the survey questionnaire first presented the demographic profile (age, education, income) of the study sample of rural women of Xolobe. The data was validated using Cronbach alpha coefficient measurement score. The data was further computerised to analyse the score per item within a scale. Furthermore, pairwise correlation was performed to investigate the relatedness of the data with the land related variables.

The next section discusses results of section B (qualitative approach based on the last three questions of the survey questionnaire).

DATA PRESENTATION, ANALYSIS AND INTREPRETATION OF RESULTS (QUALITATIVE APPROACH DATA OF RURAL WOMEN)

4.2 SECTION B

4.2.1 Introduction

This section (section B) presents the results of the qualitative approach for data collected from rural women of Xolobe based on questions 13, 14 and 15 of the survey questionnaires. The study aimed at giving rural women an opportunity to voice their needs and challenges in their community. The section outlines challenges experienced by rural women of Xolobe on land. It also provides the needs of rural women of Xolobe regarding land rights.

The following section presents responses to question 13 (challenges of rural women of Xolobe regarding land rights).

4.2.2 Challenges of rural women of Xolobe regarding land rights

Rural women were requested to indicate challenges they encountered in accessing and owning land in the area. The major challenges identified by rural women regarding land rights were lack of access to and ownership of land, lack of resources to maintain land, lack of property and housing assistance as well as inadequate development programmes funded by government. These findings are aligned with those of Masuku et al. (2017) who conducted a study in the rural areas of Kwa-Zulu Natal, South Africa. The authors found that women's involvement in agricultural production was not considered an economic activity. Thus, accessibility to land and ownership as well as management approaches of such resources are not prioritised by government in rural areas.

Prosterman (2013:147) explains that land is a crucial resource that can contribute to the provision of nutritious food, income, security and status in rural areas. According to Moyo (2013a:5393), land is a socio-economic resource that has the capacity to improve the livelihood of people in rural areas. Hence, socio-economic development permits people in society to have essential privileges to many rights offered by the government. The rural areas of Xolobe in Intsika Yethu Municipality in Eastern Cape are known to be underdeveloped, with poor infrastructure (Macanda, 2014:46). This is linked to lack of public service delivery in rural areas. This implies that the standard of living for rural women is very low since development for rural women depends on delivery of public goods. People

in rural areas live far from towns and healthcare services are scarce. They depend on public transport to travel and roads in rural areas are in bad condition. When there is no public transport service provided in society, women are suffer the most because they are care givers. This means that women have to walk long distances to take their sick children and family members to healthcare centres. When electricity is not provided, women are at risk for they have to walk to forests that are far to get wood for cooking. When water is not available, it is the duty of women to get water from the rivers, which are miles from their homes. Better life was promised by the South African government to its citizens in 1994, when the country became a democracy.

Challenges experienced by the rural women of Xolobe in Intsika Yethu Municipality in Eastern Cape are discussed in the following section.

4.2.2.1 Lack of access and ownership to land

Rural women indicated that they lack access and ownership to land. Mubecua and Nojiyeza (2019:8) confirm that lack of land for women in South Africa is linked to land reform policies that are unsuccessful in resolving issues of gender inequalities in land ownership. Yingi and Sithole (2018:502) are of the view that land in Africa has been a historic problem dating to the colonial period. In South Africa, legislation such as Natives Land Act 27 of 1913 was strong in discriminating against people based on race and, as such, most land for Africans was dispossessed (Beirnat & Delius, 2014;667). Black people were moved by force from productive land of their ancestors to land that could not produce good agricultural harvest (Mekoa, 2018:362). Through the Natives Land Act of 1913, South African women were restricted to living in the rural areas of the former homelands, where conditions of living were indecent. Rural women suffered poverty because they were restricted from migrating to cities where employment opportunities were promising. Luwaya (2018:105) confirms that South African women were regarded as minors in past legislation as a result of which they lost equal rights with men. Women lost their human dignity since they had to rely on their male counterparts for survival. Land reform become the answer for women to get their share and equal rights in land resources as supported by the South African Constitution. Most of the black population reside in rural areas that fall under customary land tenure (Odeny, 2013:7). Land rights in the communal land tenure system promotes the use of customary law and land is managed by traditional leaders who believe land relates to power and for that reason land rights are allocated to males. Customary practices do not accept the participation

of women in political, social, economic, and religious arenas, but place them in poor conditions subservience. Traditional and patriarchal attitudes perceive women as a weak group that cannot hold high positions to control land and, therefore, are unable to take responsibilities relating to land. Moyo (2013b: 5155) declares that access and control of resources is necessary to prevent women from becoming poor as they may have opportunity to make decisions for their livelihood and for their families. While land for women is important as a source of livelihood, they are not always advantaged to access and own land in communal areas.

4.2.2.2 Lack of resources to maintain land

Rural women indicated that they lack resources to cultivate land. They also mentioned they are poor, have no income and cannot afford to buy fertilisers, fence their gardens, hire tractors, and buy seeds. Lack of resources leads people to poverty with no money to buy food. The rate of poverty in South Africa is high. Poverty rate measured by looking at the ability of people to get access to income, employment, basic needs, ownership of assets, social inclusion or exclusion and people's participation in decision making (Ruch, 2014:1). In rural areas, where most women reside, there are no formal job opportunities and land is the only resource available for rural women to make a living. This is confirmed by Casale and Posel (2010:47) who found that South African rural women are the group most affected by poverty in rural communities. Muchomba et al. (2014:97) maintains that agriculture is an economic activity available to most sub-Saharan communities, which makes land necessary to promote income generation and wealth. Masuku et al. (2017: 64) found that rural women are the people who suffer from food insecurity because their work as producers in agriculture is not counted as an economic activity. Women are expected to care for their families and their roles are not supported to make life easy, so they have to struggle for essential needs without access to productive resources. Agarwal (2018:27) declares that women have a major role in agriculture as producers, but this role is negatively affected by male dominance in inheritance laws, social norms, land markets and land distribution systems by the government. Women's land rights are also influenced by patriarchal societies. Women in patriarchal society are perceived as weak to hold power and unable to take responsibilities pertaining to land. Kalabamu (2006:238) relates patriarchy to a gender system that only permits males to have privilege in the control of resources and men use their power to transfer their inheritance to their sons, while expecting their wives and children to supply them with labour. Feminists oppose power relations in the patriarchal

structure as it diminishes the rights of women to exercise equal power with men. Power allows men to do as they wish without communicating with their spouses (women). Women are made to be responsible for caring for families, domestic work, and provision of food within their families. The power of women to provide food for their families seems irrelevant in their families when women's provision of food is not recognised as equal to the responsibilities that are undertaken by their fathers, husbands, and brothers, who are seen as head of households

4.2.2.3 Lack of property and housing assistance

Most rural women mentioned that they have no secure rights to housing as the residential land they occupy belongs to their husbands, brothers or fathers. According to Gilbert (2010: 124), the right to housing offers people the right of security and right to land. Men tend to own property rights, while their partners have no control and are voiceless in making decisions over property. This is in line with Cheteni et al. (2019:5) who confirm that power relations between men and women have a negative effect on women's status since in the traditional household resources are allocated to the head of the family, who are men. Marxist feminists criticise the exclusion of women from owning the means of production, while men own productive resources though women are required to attend to the needs of their families (Arat, 2015:676).

South African citizens have the right to access adequate housing and the government needs to assist in the realisation of this right through reasonable legislation and measures within its available resources (South Africa, 1996a:11). Housing subsidies or RDP houses are implemented in most urban communities, while in rural communities housing rights seem to be neglected. Rural communities build their houses using mud bricks and few households can afford to buy cement bricks because of lack of income and unemployment. South Africa is classified as a country with very high unemployment, poverty and inequality. Macanda (2014:49) confirms that in the rural areas of Intsika Yethu Local Municipality there is very low progress, which leads many people suffering from hunger, lack of public services, unemployment and the area is underdeveloped. The right to access property is guaranteed in the South African Constitution as the government is required to take reasonable measures to achieve realisation of the right to housing within its available resources (South Africa, 1996a:11). In this area, as in most rural areas, housing subsidies for human settlement are still unavailable. The right to housing is a human right that uplifts standard of living

and provides human dignity to people. It has the potential to provide shelter to the landless.

4.2.2.4 Lack of development programmes funded by government

The Xolobe rural women indicated that they lack development programmes in the area, including water for domestic and agricultural purposes. In the rural areas, public services are not provided, and rural women pointed out there are no pipe-borne water or clean water. Water is fetched from rivers miles away from homes. The unavailability of water in this area prevents rural women from agricultural activities to earn income for consumption. Thus, government programmes, in this regard, are necessary. Moyo (2014: 5994) states that it is crucial for rural communities to be included when development programmes are planned in communities to improve livelihood. Moyo The author suggests that rural women be given an opportunity to participate when government programmes are initiated, implemented, and evaluated. Chigbu et al. (2019:16) confirm that programmes designed for women are relevant in addressing the needs and status of women since women's differences in status matter when it comes to land tenure security. Arat (2015: 675) argues that policies that attempt to improve gender equality while disregarding diversity of women may fail to meet the intended results as they may advance some women and disadvantage other groups of women. The rural women were further asked about possible solutions to their challenges as in questions 14 and 15 of the survey questionnaire. The following section discusses results from rural women regarding possible solutions to their challenges.

4.2.3 Suggestions and needs of rural women of Xolobe regarding land rights

The Xolobe rural women were requested to indicate their suggestions related to land and how they would like to benefit from land. The following are the needs indicated by the rural women:

Theme 1: Need for provision of government programmes

Theme 2: Need for residential land or property rights

Theme 3: Need for provision of Water tanks or pipe water in the community

Theme 4: Need for farming land

4.2.3.1 Need for provision of government programmes

The rural women mentioned that they need to be supported by the government through implementation of projects that would give them opportunities to run their own businesses. They also stated that they would like to be assisted with the building of a hall to do sheep shredding and open market to showcase their commodities. In South Africa, there is a high level of poverty, unemployment and inequality and the labour market favours males over females (Leburu-Masigo, 2020:175). As a result of lack of opportunities related to the labour market, rural women are more exposed to extreme poverty. Government programmes designed to assist women to improve their lives are inadequate in rural areas. Moyo (2014) suggests active participation of women in the formulation, implementation and evaluation of programmes that are designed for women have potential to bring positive impact in women's lives as their needs may be addressed. Most rural communities have not enjoyed democratic rights related to service delivery and improved infrastructure being enjoyed by urban communities (Akinola, 2018a:12139). In this regard, Bank and Mabhena (2011:99) reveal that in the Eastern Cape there are power struggles between local government officials and traditional leaders about land distribution process because these two institutions feel responsible for allocating land and the conflicts are a hindrance to the development of rural areas.

4.2.3.2 Need for housing

Majority of rural women indicated that they need housing support. According to Tengnas (2012:104), land tenure supports access to different property rights. These rights include right to housing. The demand for housing rights is necessary for women to restore their rights to human dignity and women them shelter. Gaddis et al. (2018:2) declare that there are gender gaps in land and property ownership in most African countries as land is mostly owned and controlled by men, while women hardly have ownership of property. Djurfeldt (2020:1) confirms that in sub-Saharan Africa women are discriminated against in accessing and owning property rights because women themselves are seen as property. The fact that women are perceived as property and have no control over property makes it hard for them to make decisions on matters related to management of property in their families. The South African Constitution that provides that people who lack housing opportunities should be assisted by the government to realise the right to housing. The right to access property is guaranteed in the South African Constitution as the government is required to take reasonable measures

to achieve realisation of the right to housing within its available resources (South Africa, 1996a:11). Macanda (2014:46) confirms that lack of housing subsidies is a challenge that affects both urban and rural areas.

4.2.3.3 Need for provision of Water tanks or pipe water in the community for farming and domestic purposes

The rural women indicated that they need water tanks or pipe-borne water in the community as they are always experiencing droughts. The study found that at Xolobe there is no pipe-borne water as a result of which people rely on rivers for water. Women are responsible for fetching water from the river, which is miles from their homes. The rural women expressed that it is even more difficult for them to get water during the dry season when rainfall is scarce because the rivers dry up, leading to their having to buy water. Poor women without income become stranded as they cannot afford to purchase water. When there is shortage of water, farming becomes a failure and crops fail to grow. Supply of pipe-borne water in water tanks by the government is the remedy to assist communities during the dry season. This is supported by the South African Constitution, section 25 that transformation on land, water and other related reforms is important as a land expropriation in the country (South Africa, 1996a). In areas where water is scarce, it is anticipated that people have no clean water, thus they get exposed to diseases due to sharing water from rivers with animals. Water shortage is a problem that needs to be looked at as water plays an important role in citizen's daily lives (South Africa, 1996a:11). Also, water for agricultural production is necessary where rain is scarce and during the times of drought.

4.2.3.4 Need for farming land

Majority of rural women suggested they need to be assisted with farming land. Farming land, in this case, may refer to arable land or plots for agricultural production. Farming plots have a potential to give women a chance to have their names registered on land. The rural women mentioned that they are interested in chicken farming, farming of livestock, and need vegetable gardens. They also indicated interest in getting funding, that is, to borrowing monies from banks to enable them to start their own businesses. That apart, the women indicated that they need farming land for household subsistence as well as land for business activities to generate income. Prosterman (2013:148) confirms that provision of secure land rights for women through farming production may allow them to get

basic needs for their families and may empower women to make decisions on farming requirements within the family and in the community. Agarwal (2018:30) suggests that implementation of gender equality for food security through development of group farming programmes may increase food security of women and their families. In this regard, plots or gardening for women are seen as beneficial to women because they may produce enough crops for food consumption and sell the excess to get income for other household's needs such as education for children, clothes for the family and improvements of the home. Wealth connected with land may be shared among all citizens so that women's economic status may improve. Women may generate their own income using land without begging from their spouses and family members. In this regard, Sikwela et al. (2018:484) suggest that farming land be distributed to the rural poor, who are the majority in South Africa, to address the issues of poverty, unemployment and inequality in the country. The authors suggest that land reform programme needs to involve the targeted group in the planning stage of land redistribution to allow them to choose their own farming activities with the assistance of professionals. Land Policy in South Africa stresses the need for providing land in rural areas to give land to farm workers, labour tenants, and women to get food for their families, provide employment opportunities and eradicate poverty (South Africa. Department of Land Affairs, 1997:52).

4.2.3.5 Need for farming training

The rural women indicated that they need training to develop their farming skills. Designed programmes for women would be necessary to equip them with training and skills necessary to do farming. Moyo (2013a:5397) affirms that rural women who seek to do farming lack farming support services such as credit facilities, agricultural inputs such as fertilisers, seeds, training, and information. Sikwela et al. (2018:484) recommend land redistribution be prioritised to address the challenges of poverty, unemployment, and inequality and that the rural poor be assisted by experts in agriculture to choose their own farming activities.

4.2.4 Conclusion

This section (section B) presented the results of qualitative data collected from rural women of Xolobe based on Questions 13, 14 and 15 in the questionnaire. The women were given an opportunity to voice their needs and challenges regarding their land rights.

This chapter presented the findings based on the questionnaire regarding perceptions about rural women's land rights in Xolobe communal areas. Unequal access to productive resources is a problem that affects the lives of rural women of Xolobe communal area. There seems to be no problem with land availability in Xolobe. As indicated by the rural women, there is land for building houses, grazing, farming and business activities. These findings show that rural communities are poor and landless because past governments changed the African lifestyle that used to be centred on agricultural production for living. With the capitalist forced labour, men had to join the mining industry's labour force leaving their homes managed by wives and migrant miners were allowed to visit their homes only once a year. Rural women are poor because of gender inequality that is rooted in the way past governments treated women as minors through its harsh laws. Agarwal (1994:17) confirms that traditionally land has been associated with political power and social status. Women are poor because Africa is a patriarchal society that treats women as minors, placing men in charge of productive resources. African societies also value traditional norms and culture, which also treat women unfairly as minors depriving them of their rights to productive resources. For Marxist feminists, subordination based on class, race and ethnicity is unacceptable. Consequently, Marxist feminists make an effort that offers freedom rights of women to share the means of production with men (Arat, 2015:676). Marxist feminists contest gender inequality because it is based on the capitalist system (Seneviratne, 2018:190).

The study reveals found there are many problems that lead rural women to live miserable lives. Part of the problem that relating to the miserable life of rural women is their low status. This study showed that rural women are interested in having and because they need food for their families to be free from poverty. Rural women were found to be poor and unemployed as most of them depend on being supported by their family members, while others rely on social grants and pensions. Education was found to be a contributing factor towards rural women's low standard of living as most rural women are not educated and some have minimum education. This may influence their knowledge about land rights and claiming these rights. Children from poor families are unable to get the best education and nourishing food because they live in poor conditions and their health is at risk. The challenges faced by rural women of Xolobe are lack of access and ownership to land, lack of resources to maintain land, lack of property and housing assistance and lack of development programmes funded by government. The rural women of Xolobe voiced their needs related to land as

follows: need for provision of government programme, need for residential land or property rights, need for provision of water tanks or pipe water in the community and need for farming land.

Chapter presents data and interpretation of results from the qualitative data collected, that is, interviews with the land managers.

CHAPTER 5

DATA PRESENTATION AND ANALYSIS OF LAND ADMINISTRATORS AT XOLOBE RURAL VILLAGE

5.1 Introduction

This chapter presents the results of analysing the qualitative data collected from interviews with land managers (the chief and sub-headmen, ward councillor and the manager of the Department of Rural Development and Agrarian Reform) in Intsika Yethu Local Municipality. The interviews were conducted in face-to-face sessions as well as by telephone. There In all, six interviews were conducted with land managers and all participants were males.

5.2 Demographic profile of land managers

The participants interviewed were land managers, specifically, the chief, sub-headmen, ward councillor and the manager of Department of Rural Development and Agrarian Reform.

5.2.1 Occupation

All participants interviewed were involved in land distribution in the area. It is interesting to note that all land managers in this area are males. Consequently, it is safe to say that leadership positions related to land matters in this area are still dominated by males. It is possible to find African societies in leadership dominated by males because in these societies' leadership is perceived as something to do with power. It is assumed that people in power are supposed to be respected. This idea is part of the influence of patriarchal societies that believe in domination of power by males. This notion concurs with Albertyn (2011:140) statement that South Africa is a patriarchal society where power is dominated by males and women are subordinates of men in private and public life. In patriarchal societies, gender roles are defined by the society. The roles that seem strong and require more power for decision making are assigned to people who are believed to be superior, such as men. Women and children are perceived to be powerless with no abilities to make decisions and, therefore, cannot be placed in high level positions. Women and children are taught to accept and be submissive to the men who are household heads with resources. Traditional leaders (the chief and sub-headmen), ward councillor and manager of Department of Rural Development and Agrarian Reform) are responsible for land distribution and

occupy high- level positions, which give them power to lead. Ainslie and Kepe (2016:28) state that traditional leaders in South Africa tend to use cultural power to discriminate against women. Marxist feminists are concerned about the ill-treatment and exclusion of women from social, political, economic and cultural spheres. The unequal distribution of power gives one class power to make decisions, while another class with lower position suffers with no voice to decide on important issues. Women, who are powerless, remain silent while decisions are made on their behalf, and which leads to women not being empowered and having to live poor lives. Therefore, Marxist feminists challenge the subordination of women because it prevents them from improving their standards of living. Feminists believe that communities need to be transformed to prevent social inequality (Kumar, 2011:13). In transforming communities, leadership positions, as advised by the Constitution of South Africa, need not be occupied by one class, but should be occupied by both males and females without gender-based discrimination.

5.2.2 Number of years in the position

Land managers were asked the number of years they were in their positions to investigate their experience in leadership positions. Fifty percent (50%) of them indicated that they had been in leadership role for over 10 years, while the other fifty percent stated that they had been in leadership position for less than 5 years. Many years in a position is an indication of experience on the job one does. A long period in a position also means one is familiar with issues in the field of work. This means that land managers are familiar with land related problems on the ground.

Table 5.1: Number of years in the position for participants

Participant's Occupation	Research Instrument	Gender	No	No of years in the occupation
Manager	Semi-Structured interview	Male	1	10
Ward Councillor	Semi-Structured interview	Male	1	4
Chief	Semi-Structured interview	Male	1	15
Sub-Headman	Semi-Structured interview	Males	1	20
Sub-Headman	Semi-Structured interview	Males	1	3
Sub-Headman	Semi-Structured interview	Males	1	4
Total	6			

Author's own compilation

5.2.3 Roles for the occupation

Land managers were asked to indicate their roles regarding land management in Xolobe area and if people are aware of their roles in the community. All participants indicated that their roles are well known by communities in the area. The roles described by the land managers relate to development of communities. Land is said to belong to government and, as such, communities are required to use it in a legal manner to protect the state land from being vandalised. Legal protection of land is the responsibility of Department of Rural Development and Agrarian Reform. The roles of land managers with regard to service delivery and development of communities were stated as overlapping since these roles are assigned to both traditional leaders and the ward councillor. The role of ward councillor in the allocation of land is to ensure that the people applying for it reside in the same locality. The roles of traditional leaders that were mentioned include keeping the tradition and customary practices in the community, assisting the government to maintain safety for all people, maintenance of peace and order, including solving of disputes relating to domestic violence in their communities. The South African Constitution recognises the roles of traditional leaders and the use of customary law relevant for communities (South Africa, 1996a:112).

Table 5.2: Categories of land managers and gender

Participant's Occupation	Research Instrument	Gender	No
Manager	Semi-Structured interview	Male	1
Ward Councillor	Semi-Structured interview	Male	1
Chief	Semi-Structured interview	Male	1
Sub-Headman	Semi-Structured interview	Males	1
Sub-Headman	Semi-Structured interview	Males	1
Sub-Headman	Semi-Structured interview	Males	1
Total	6		

Author's own compilation

Both traditional leaders and ward councillor in Xolobe are responsible for developing services in the rural areas, which seems to be problematic in cases where there is no cooperation between traditional leaders and local government officials. Development projects in South African rural areas are negatively affected by traditional leaders who tend to disrespect elected representatives, while municipalities seem reluctant to deliver development programmes in areas

controlled by traditional authorities who are outspoken (Ainslie & Kepe, 2016:31). Bank and Mabhena (2011:97) confirm that delays in rural development services in the Eastern Cape are caused by tension between traditional leaders and local government as these leaders demand involvement in the role for development services.

5.3 Perceptions of land managers about the land rights of women of Xolobe communal area

Data was collected from land managers and examined, compared and sorted into categories to develop main themes. A thematic data analysis of the qualitative aspect of this research was adopted. The thematic analysis of this study recorded the themes according to the commonly used theme to the least used themes. The different themes were identified and sorted according to their similarities; Details of the developed themes are as follows:

Theme 1: Availability of land

Theme 2: Land transfer and inheritance of land by women

Theme 3: Women's interest on accessing and ownership of land

Theme 4: Women's awareness of policies and laws related to land

Theme 5: Effects of traditional laws on how land is allocated

Theme 6: Land allocation process

Theme 7: Availability of development programmes on land to assist rural women

5.3.1 Availability of Land

The question on the availability of land was asked to get the views of the land managers regarding available land in the Xolobe area. Majority of land managers reported that there is plenty of land in Xolobe AA and they mentioned that rural women of Xolobe are not discriminated against in term of accessing land in the community. They indicated that there is land for building of houses, farming land (arable land), land for development and land for grazing of livestock. Land for residential purposes is connected with property rights. Land rights are important to provide various rights such as the right to enjoy ownership of land, right to use other people's land and property, right to control and decide on land, right to sell, lease and transfer land at any time.

Participant number 2 said there is plenty of land in the area while large area of land is abandoned. This participant stated that:

“There is plenty of land and the arable land that is meant for farming in this society has not been used for many years. People are not interested in farming, and they prefer to go to the cities to get jobs”.

Land for farming relates to land rights to engage in agricultural farming, which may be advantageous to the poor and rural women who are the people that experience hunger. Land rights are essential for they have a potential to provide people with food to protect them from poverty. (Gilbert, 2013:129). In this respect, Slavchevska et al. (2017:4) state that there are three types of land rights suitable for agricultural land. These rights relate to: (1) ownership rights, which are rights considered to provide a full set of other rights that include the right to control, transfer, manage and improve land, (2) management rights, which are rights seen in making decisions on how to use land for in relation to production of crops, and (3) economic rights, which are rights necessary for economic benefits whereby income is generated through use of land. This means that women with access to farming land may have an opportunity to grow crops of their choice for food purposes and they may sell surplus crops to get income for other family needs. In this way, poverty may be reduced, which is among challenges experienced in South African rural areas.

Land reforms in Africa were designed to address the problems of unfair, dispossession and inequality created by colonial states (Akinola, 2018b:3). The land tenure system in South Africa was established to be democratic and allow for equity in the distribution of land. Constitution of The South African Constitution has strong support for equal rights of people as it makes provision for citizens who have no secure rights to be protected by the government. Rural women lack secure rights to land, which means that they are eligible to be protected by the government. However, in post-apartheid South Africa, rural women are still excluded from accessing resources such as land and this situation leads to women living in poverty.

5.3.2. Land transfer and inheritance of land by women

Majority of participants mentioned that rural women in their areas are not discriminated against when land is transferred. They explained that inheritance of land belongs to children and wives once the father or husband passes away. It was also mentioned that married women inherit all properties that belong to their late husbands. In terms of democracy, women are free to get land and all women,

whether married or not, have freedom rights and equal rights to be allocated land in the same manner as men.

Participant number 1 stated that:

“Women in this area are not discriminated against from inheritance of land. In the olden days women were expected to have land in the second home once married but that ruling is no longer applicable. Democracy allows women to be free and get access to land “.

5.3.3 Women’s interest in accessing and ownership of land

This issue was raised to understand if women have interest in land or participate in land matters. Five out of six participants perceive women as showing interest in land matters since some women apply for land these days compared to the olden days when no applications were received from women. It was mentioned that unmarried women have an opportunity to get their own land and, as a result, single women who are working show interest in applying for land. However, only one participant participants indicated that women show no interest in land matters since they do not attend the meetings where land issues are discussed.

Participants number 2 perceived that women are not interested in land and said that:

“Women are not interested on land, women as individuals are busy with the designing grass mats which provides them with extra income. Few women that attend meetings. If women would work in groups that would help them to grow their economies and as well encourage tourism to visit our area”.

In relation to group activities as suggested by participant number 2, it seems that women have no knowledge of the benefit they may have through grouping their skills.

5.3.4 Women’s awareness of policies and laws related to land

Land managers were asked to provide their perceptions on women’s awareness of land laws and policies to provide an understanding about rural women’s awareness about land laws and policies. All participants perceive that rural women are aware of the land laws and policies. The participants indicated that

people in the community including women are invited to attend meetings that discuss land matters and in these meetings issues on land policies and are discussed. About 10 percent of participants believe that rural women have knowledge about policies and laws related to land while 90 percent of participants believe that rural women have no understanding of land laws and policies. Participants who see women as having knowledge about land laws and policies base their assumption on the fact that these days land managers receive some applications for land from women especially single women. Bob (2000:63) declares that rural women have no knowledge and understanding of the laws that promote and protect their land rights. It is possible for rural women to lack of knowledge about land laws and policies because most rural women are illiterate, and some have low education which means that they may find it difficult to understand laws that are complex unless the laws are explained to them for better understanding.

According to Bayisenge (2018:602) when women are unaware of land legislation and their rights to land, it becomes impossible for them to exercise their rights to land. Moyo (2013a:5397) claims that in post-apartheid South Africa, rural women have no knowledge of land processes and their rights to land. These women also lack training in skills and opportunities to access land, understand their rights and procedures followed when they wish to apply for land. While women seem to have no knowledge of policies and laws on land, there is also a shortfall in the implementation of the South African land legislation and land policies. This is in line with Mubecua and Nojiyeza (2019:9) who state that South Africa's land reform policies have not accomplished good results to rectify the issue of gender and racial inequality as many women still have no ownership of land, because of which they live in poverty.

5.3.5 Effects of traditional laws on how land is allocated

The land managers were asked to give their views on the effect of traditional laws towards the allocation of land in Xolobe the area. The question on effects of traditional laws on how land is allocated in the Xolobe area was asked to find out if traditional practices influence how land is distributed between women and men in the Xolobe area. Most participants indicated that traditional laws have no effect on land allocation process in the area since land allocation and tradition do not fall under the same category. The participants admitted that traditional laws in the olden days discriminated against women as land rights of women were available at the second/married home and most married women used to inherit land from

their husbands. Democratically, traditional practices are not supposed to prevent women from getting access to and ownership of land. The participants stated that women who apply for land in the area are not discriminated against but are treated equally as men during the land allocation process. According to the land managers in the area, traditional practices have no effect on land allocation process. This statement contradicts Moyo (2014:5997), who argues that in most African countries, women are not active participants in decision making and live in poverty because cultural attitudes perceive women as inferior. This is an indication that change is possible and the livelihoods of rural women may improve if traditional practices and norms do not ignore the land rights of women. This also indicates that women in this society are perceived as having equal rights as men and that the human rights of women are respected, implying that women's rights may be improved if policies are targeted at them. The land managers mentioned that few women apply for land and these are unmarried working women.

5.3.6 Land allocation process

The land managers were asked to describe the land allocation process in the Xolobe area. This question on land distribution process was included to understand the process used to allocate land rights in Xolobe communal areas. It was indicated by the land managers that the process of allocating land rights starts when the people show interest on getting land. The process is as follows:

- The applicants who need land visit the sub-headman to show their interest in land.
- The sub-headman then arranges a meeting with the local community to inform the community about the applicants who are interested in having land. The community, when satisfied with the applicants' needs of land, recommend the applicants be allocated land.
- The sub-headman then takes the recommendation of the applicants further to the headman.
- The headman takes the applications to the ward councillor to confirm that the applicants reside in the area.
- The headman takes the applications further to the chief who invites the people to a meeting to inform them about the applicants who need land. Minutes of the meeting are recorded, and the names of applicants are also recorded in the register. The chief submits the register to the tribal authority for further recommendations and approval.
- Once the list of applicants for land has been approved, the agricultural officers who act on behalf of Department of Land Affairs are invited to allocate plots to the applicants. The plots allocated are assigned with numbers, which are marked on a map kept in the office of Rural Development of Agrarian Land.
- The applicants who are granted land are required to register with the agricultural officers to get their certificates known as Permit to Occupy land as proof of occupation of land.

5.3.7 Availability of development programmes on land to assist rural women

The participants indicated that there are poultry projects available in the community made up of group corporations that consists of both men and women. They mentioned that women are leading in these projects. The garden project was said to be failing because of scarcity of water. It was indicated that there is a sheep shedding project run by both men and women. Participants explained that women involved in the duty of shearing sheep wool. The project on aloe was proclaimed to be running seasonally. Participants indicated that these programmes were not designed specifically to support rural women, but were projects aimed at developing communities for both men and women. The population group in South Africa that suffers extreme poverty is women due to lack of access to resources. It was stated that the pace of service delivery in Xolobe AA is very slow.

Land for development purposes refers to land rights for improvement of the standard of living. In South Africa, the Reconstruction and Development Programme (RDP) was introduced to meet the basic needs of people, develop people in urban and rural areas for involvement in decision making process, build the economy and guarantee compliance with democratic practices by the state and for the society (South Africa, 1994:9). The RDP programme was also intended to fight against poverty because poverty was the most challenging issue in South Africa (Kloppers & Pienaar, 2014:692). Further, it was also meant to provide government subsidised housing to ensure that people have access to property. Women, as a historical disadvantaged group and especially rural women who have low level of education, did not benefit from these initiatives probably because they were not aware of their rights or that they did not know how to claim their rights to land. In most communal areas in South Africa, housing benefits have not been implemented.

5.4 Conclusion

In this chapter, the study findings were analysed from the perspective of the qualitative approach. The data was collected in face-to-face and telephonic interviews with traditional leaders (chief and sub-headmen), the ward councillor and the manager of the Department of Rural Development and Agrarian Reform of Intsika Yethu Local Municipality. The aim of the qualitative approach was to elicit the views of land managers regarding the land rights of rural women. The chapter provided results and discussed the views of land managers based on

themes or issues related to land availability, transfer and inheritance of land, interest of rural women in accessing and owning land, awareness of rural women about land policies and laws, effects of traditional laws on allocation of land, process of allocating land and development programmes designed to assist rural women make a living out of land.

Chapter Six provides conclusions and recommendations of the study.

CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

This study investigated the land rights of rural women of Xolobe rural village under Intsika Yethu Local Municipality in Eastern Cape, South Africa. This concluding chapter addresses the objectives of the study. The chapter confirms or disconfirms the study findings by matching each objective with the results of the study. Herein, recommendations that may harness the rural women into living in harmony with land are provided in this chapter. The chapter further provides possible future research opportunities in this study area for sub-Saharan African countries and beyond. Thereafter, conclusions from the study area drawn.

6.2 Overview of research findings

This research was based on two sets of data. The first set of data was collected from rural women of Xolobe rural area. The second set of data was from the Xolobe land administration representatives; these include the chief, headman and sub headmen as well as local government representatives from the Department of Rural Development and Agrarian Reform. Therefore, this section brings to the fore the key findings from both (women and land administrators) groups.

Brief findings from rural women of Xolobe are presented in the following section.

6.2.1 Findings from rural women of Xolobe village: a quantitative approach

Seemingly, land availability is not a problem at Xolobe rural village as there is land for building houses, land for grazing, land for farming and land for business-related activities. Surprisingly though, 39% of respondents do not own their homes even though it appears that land is not an issue in the Xolobe community. It is apparent that land in this community is inherited (47%), while some have bought land (70%) and majority of women are interested in owning land (86%). The majority of respondents (87%) perceive land as an important resource for farming, shelter (82%), livestock keeping (80%) social activities (83%) as well as welfare of life (93%). It appears that women in this rural village are aware of their land rights to ownership (74%), land acquisition (67%), and land access (69%). Contrasting views regarding equal opportunities in land inheritance emerged

(42% agreed and 43% disagreed to having equal opportunities to land inheritance in this area).

Also, Further, the study found that 63% of respondents are aware of where to apply for land and 80% regard traditional land practices to be important in the community. The study also suggests that 55% of respondents perceive traditional laws to be receptive of women's land ownership in the community and that traditional leaders are respected (76%), including fair distribution of land (41%). The findings show that 51% of respondents are happy about land allocation made by traditional leaders. This means land managers such as traditional leaders in the community do not discriminate against women.

It was found that 48% of respondents were aware of the Land Act of 1997. Contrasting views emerged with regard to the Act being followed when allocating land as 51% agreed to the laws being followed in land allocation, while 49% of respondents did not know if the laws are followed by people when applying for land. Moreover, another 49% of respondents did not think the laws are followed. The findings suggest that 53% of respondents were aware of land policy issues in the community, while 48% agreed that they were not familiar with the land policy issues. Many respondents (71%) stated that they had never been in a meeting that talked about the land policy in their community. Meanwhile, 53% of respondents stated that they did not know the Land Policy Act of 1997. The findings suggest that men dominate in decisions on land issues (73%) in this area. About 32% of respondents were of the view that women make decisions in the community. Even so, 50% of respondents agreed with the statement that women do not participate on decisions made on land matters in the community, while another 42% argued this statement and agreed that women participate on decisions made on land matters in the community. Seemingly, majority of respondents (86%) were interested in owning land. Opposing views about access to land ownership being related to having money emerged. A whopping 37% of respondents perceive ownership of land with having money to purchase such a resource, but 47% of respondents disagreed with the statement that land can be accessed by those that have money. This finding suggests that majority of respondents cannot afford to own land in their community. While Sixty percent (60%) of respondents perceive land as not being an expensive commodity in Xolobe and 74% of respondents would like to gain control over land matters in the community.

6.2.2 Findings from rural women of Xolobe village: a qualitative approach

The major challenges indicated by rural women regarding land in the study area were lack of access and ownership to land, lack of resources to maintain land, lack of property and housing assistance and lack of development programmes funded by government.

The women indicated that they lack resources to cultivate and. They also mentioned that they are poor, have no income and cannot afford to buy fertilisers, fence their gardens, hire tractors, and buy seeds. Lack of resources make people poor and in need of money to buy food. The rate of poverty in South Africa is high. Most rural women mentioned that they have no secure rights to housing as the residential land they occupy belongs to their husbands, brothers, or fathers. Rural women indicated that there is lack of development programmes in the area. The area also lacks resources such as water for both domestic and farming purposes. In the rural areas, public services are not provided, and rural women stated that there is no pipe-borne water or clean water. Water is fetched from rivers, which are miles from homes. It is even more difficult for women to get water during the dry seasons when the rainfall is scarce because the rivers dry up, leading the need to buy water. Poor women without income to buy water become stranded. When there is shortage of water, farming fails and crops cannot grow. Supply of water by the government is the remedy to assist communities during dry seasons through delivering water tanks or pipe-borne water. In areas where water is scarce, it is anticipated that people have no clean water and are exposed to diseases as they share water from rivers with the animals.

The rural women mentioned that they are interested in receiving government support that will provide opportunities for them to run their own businesses. Seemingly, rural women in this area are interested in sheep shearing and showcasing their commodities and skills. Thus, they are interested in receiving support in the form of hall building for them to do sheep shearing, have an open market and a showroom.

Majority of the rural women suggested that land is available to those who can afford it. Thus, there is a need for assistance with farming land. Farming land in this case may refer to arable land or plots for agricultural produce. The plots have a potential to give the women a chance to have their names registered on land. The women mentioned that they are interested in chicken farming, farming of

livestock, and in need of vegetable gardens. Another issue mentioned by participants in the surveys was that they are unable to receive funding from banks to start their own businesses. As such, they are in need of farming land to be used for household subsistence as well as business activities to generate income. However, they require training skills in farming.

6.2.3 Findings from land administrators at Xolobe rural village

The study found that there is plenty of land in Xolobe AA and that land managers do not perceive themselves as exclusive in land related matters and allocations. Thus, an emphasis on the non-discriminatory basis of rural women in land allocations and demarcations. The available land was found in this study was for building of houses, farming land (arable land), land for development and land for grazing of livestock. Also, land inheritance after the death of husbands and sons appears to be a normal practice in this area. Thus, land is inherited by either children or wives of the deceased husband in this rural area. The findings from this study also suggest that married women inherit all properties that belong to their late husbands. In terms of democracy, women are free to get land and all women, whether married or not, have the freedom rights and equal rights to be allocated land in the same manner as men.

Thus, this study's findings suggest that women who apply for land are not discriminated against but are treated equally as men during the land allocation process. Also, traditional practices have no effect on the land allocation process. The process that is followed by the land managers is described below:

The applicants start at sub-headman to show their interest in land, a meeting is arranged with the community to inform them about the applicants interests on land, the community recommend the applicants for land allocated, sub-headman then takes the recommended applications further to the headman, the headman forward the applications to the ward councillor for residential confirmation, the headman submit the applications of land to the chief. Then minutes are taken and recorded in the register and names of applicants are also recorded. The tribal authority recommends and approve land allocation. The applicants approved for land allocation get their plots with numbers. The register is kept by the office of the Department of Rural Development and Agrarian Reform. Thereafter, the applicants may obtain their Permits to occupy the land.

Conclusions of this study are presented in the next section.

6.3 Research interpretations

The interpretations of research findings for this study are guided by the key research objectives, outlined as follows:

- ***Objective 1: To investigate whether rural women of Xolobe in the Intsika Yethu Local Municipality are aware of their land rights.***

The findings aligned with this objective are two-folded. The first section of the findings emanates from the structured survey questionnaire used to collect data from rural women of Xolobe, while the second section of the findings emanate from the semi-structured interviews with land managers in Xolobe.

About findings based on the structured survey questionnaire, it was found that majority (53%) of respondents were not aware of land policy issues in their community, but 48% of them were familiar with the land policy issues. The majority of respondents (71%) never attended any land policy related meeting. It is apparent that 51% of the respondents perceive land allocation policies to be implemented when allocating land in this community. This study found that men dominate in decision-making on land related issues (73%) in this area as women accounts only for a minority (32%) on land issues. Even so, 50% of respondents observed that women are consulted on land related matters in the community, while another 42% stated that women are not consulted on land related matters. Majority of the respondents (86%) were interested in owning land. Contrasting views emerged with regard to land ownership and access: 37% of respondents perceive ownership of land with having money to purchase such a resource, while 47% of respondents disagreed because they perceived land to be accessible to everyone who needs it. The study found that 60% of respondents perceive land as not being expensive and 74% would like to gain control over land. Therefore, this women of Xolobe rural area are somewhat aware of their land related rights. However, exercising and executing land related rights is still at grass roots level in Xolobe as per the results of the survey instrument.

On the qualitative side, land managers believe the women of Xolobe in Intsika Yethu Local Municipality are not discriminated against, through traditional practices, in accessing and owning land. Land managers believe that women are landless because they lack resources to care for land since a few women apply for land. Land managers indicated that the procedure for applying for land is followed when land is allocated in Xolobe in Intsika Yethu Local Municipality,

which does not discriminate against women. Although it is not written, it is known by community members. However, it is assumed that rural women do not understand their land rights since they claim to have no knowledge about land policy and do not attend meetings, where land policy and land laws are explained.

- ***Objectives 2: To ascertain the challenges facing rural women of Xolobe in Intsika Yethu Local Municipality on land matters.***

The following challenges were expressed by rural women of Xolobe:

Lack of access to and ownership of land: While land seems to be available in this community, rural women at Xolobe AA in Intsika Yethu Municipality find access to land an impediment to owning land. This study respondents indicated that they lack access and ownership to land, which accounts for about 39% less than what men owns. Some rural women are of the idea that land is owned by certain individuals in the community (47%) whereas 50% of rural women confirm that women need access to land in the community.

Lack of resources to maintain land: Rural women indicated that they lack resources to cultivate land. They also mentioned that they are poor, have no income and cannot afford to buy fertilisers, are unable to fence their gardens, unable to hire tractors for their gardens and have inadequate funds to purchase seeds. Caring for families and provision of food require a lot of money to buy food, clothes for children, funds for education, and health care services for the whole family. Without income, women carry a burden of not knowing what to put on the table during the mealtime. Most women are unemployed, which is why they need to enjoy land rights to improve their economic status. Women without land lack power to be independent and in an equal position with men when decisions are made regarding property in their families.

Lack of property and housing assistance: Most rural women mentioned that they have no secure rights to housing as the residential land they occupy belongs to their husbands, brothers or fathers. Land rights are necessary to provide for shelter and protect human dignity. Men tend to own property rights, while their partners have no control and are voiceless in making decisions over property. In Xolobe AA at Intsika Yethu Local Municipality, as in most rural areas of South Africa, housing subsidies for human settlement is a problem that is still very far from being addressed. The housing development in South Africa is mostly visible in the big cities and in the rural areas where it is needed mostly but receives much

slower growth in its implementation phases. The right to housing is a human right that uplifts standard of living and provides human dignity to people. It also could provide shelter to the landless.

Lack of development programmes funded by government: The rural Xolobe women indicated that there is lack of development programmes in the area, such as lack of water for both domestic and farming purposes. In the rural areas, public services are not provided, and rural women stated that there are no pipe-borne water or clean water. Water is fetched on rivers, which are miles from homes.

Need for provision of government programmes: Rural women mentioned that they need to be supported by government through the establishment of projects to give them opportunities to run their own businesses. Rural women They also mentioned that they would like to be assisted with building a hall where they could do sheep shearing and open a market to showcase their commodities.

Need for housing: Majority of rural women indicated that they need of housing support. According to Tengnas (2012:104), land tenure supports access to different property rights, which include a right to housing. The demand for housing rights is necessary for women to restore their right to human dignity and provide them with shelter. The South African Constitution provides that people who lack housing opportunities be assisted by the government to attain the right to housing. The right to access property is guaranteed in the South African Constitution in that the government is required to take reasonable measures to achieve realisation of the right to housing within its available resources (South Africa, 1996a:11). Macanda (2014:46) confirms that lack of housing subsidies in Intsika Yethu Local Municipality is a challenge that affects both urban and rural areas.

Need for provision of water tanks or pipe water in community for farming and domestic purposes: Rural women indicated that they need of water tanks or pipe-borne water in the community. The rural areas of Eastern Cape are faced with problems of severe shortage of water as the region experiences seasons of droughts. In rural areas that do not have pipe-borne water, people rely on getting water from rivers. Women are responsible for fetching water from rivers, which are miles from their homes. It is even more difficult for women to get water during dry seasons when rainfall is scarce because the rivers dry up and they must buy water. Poor women without income to buy water become stranded. When there is shortage of water, farming becomes a failure as crops fail to grow. Supply of

water by delivery tanks or pipe-borne water by the government is the only remedy to assist communities during the dry seasons. In the areas water is scarce, people have no clean water and are exposed to diseases as they share water from rivers with animals. Water for agricultural production is necessary where rain is scarce and during times of drought.

Need for farming land: Majority of rural women suggested they need to be assisted with farming land. Farming land, in this case, may refer to arable land or plots for agricultural production. Plots have a potential to give women a chance to have their names registered to land. Rural women mentioned that they are interested in chicken farming, farming of livestock, and need vegetable gardens. They also indicated interest in getting funding from the bank to enable them to start their own businesses. Further, the rural women indicated the need for farming land for household subsistence as well as land to undertake business activities to generate income.

Need for training on farming methods: The Xolobe rural women indicated that they need training skills for farming. In this case, programmes designed for women would be necessary to equip them with training and skills necessary to do farming.

- ***Objectives 3: To examine measures that are in place to increase the capabilities of rural women in Xolobe to harness land rights in Xolobe in the Intsika Yethu Local Municipality.***

Land managers are involved in the distribution of land in Xolobe communal areas of Intsika Yethu. Unlike in urban areas where land is easily obtained by both women and men with clear rules on how to apply, the application process in communal areas is not written down, making it difficult for people to understand the process of allocating land. Traditional leaders oversee land, while customs are practised in this area. Land managers (traditional leaders, ward councillor and manager of Department of Rural Development and Agrarian Reform) pointed out projects can benefit women in their area, indicating a poultry project available in the community. This project, according to them, is made up of a group made up of both men and women. They further mentioned there are women participating in this project although the number of women was not specified. Other projects were mentioned, including a garden project, which was said to have challenges and not doing well because of scarcity of water. It was indicated that there is sheep shearing project run by both men and women, with the women involved in sorting

the wool. The aloe project was also mentioned, but it was said to be seasonal. Most programmes mentioned were not designed to support rural women but were the projects for development of both men and women. The population group in South Africa that suffers extreme poverty is women due to lack of access to resources. It was stated that the pace of service delivery in the Xolobe AA is very slow. The rural women seemed to have no knowledge of such a project mentioned by land managers.

- ***Objectives 4: To investigate whether there are empowerment programs designed to enable rural women of Xolobe under Intsika Yethu Local Municipality to participate in the development and implementation of policies.***

From the data collected from land managers, it was found that there are programmes on land in the community of Xolobe aimed at empowering local communities in the area. However, these programmes seem not to have been designed solely for improving the standard of living of women, but rather designed for the entire community. These programmes mentioned by land managers may not have been communicated to women to participate although some were mentioned as running seasonally. The garden project was described as having challenges related to lack of water supply by the municipality. The land allocation process in communal areas is not written down but communicated in meetings before recommendations are made to the chief to decide in accordance with the communities' perspectives. For people to follow and understand the land allocation process, there is a need to have a written policy that describes the procedures of getting land in communal areas. The criteria used in the procedures must be determined and presented to policy makers.

- ***Objectives 5: To ascertain if there are approaches that can assist rural women of Xolobe to make sufficient living out of communal land.***

Approaches to assist rural women of Xolobe: It is worth noting that majority of rural women in this area are unemployed, landless and lack access to and ownership of land in this community. The study found that in the rural area of Xolobe, there is inadequate formal and informal markets. Additionally, most rural women have not acquired secondary education that would allow them to compete with men for decent and professional jobs. Thus, it is important rural women in this community are empowered with skills that are relevant to their daily livelihood in this area. Further, from the reviewed literature, it is safe to say that numerous studies have been conducted with the aim of empowering rural women. This is

evident in studies such as Bayisenge (2018);Chigbu et al. (2019); Moyo, (2014); Masuku et al. (2017); Muchomba et al. (2014); and Tschirhart. (2018). Therefore, approaches aimed at assisting rural women have received scholarly attention in recent times. A study conducted by Masuku et al. (2017) found that rural women are the most affected by food insecurity as their involvement in agricultural productivity is not considered as an economic activity in their communities. Consequently, women's interest and desires related to agricultural activities need to be viewed and treated as an economic activity in this area. Women in the area has shown interest in agricultural activities for both sustenance and commercial living. It is imperative to develop programmes that address the needs, desires and goals of rural communities (Moyo,2014:5994). The development of such programmes, however, need to come from local communities' perspectives. The developed programmes need to be geared towards improvement of livelihoods of local communities, including the lives of women in this area. Community consultation and involvement prior to programme development in rural areas is essential. Therefore, a bottom up approach to programme development in rural areas is necessary to curb the high unemployment rate in this community.

Furthermore, data collected from the land managers indicated that women in this community (Xolobe) do not participate in land related meetings. Consequently, it is imperative that rural women get involved in land related activities. This is supported by Moyo (2014:5999) who suggests that women should be encouraged to participate in consultation meetings to voice their concerns and ensure their problems are addressed. The involvement of rural women in land related meetings will mitigate the development of unfriendly policies.

6.4 Recommendations

Based on this study's findings, the following recommendations are made:

- ✓ Policy makers need to develop pro-poor women-friendly policies that will give poor women in rural communities' access to land without payment. This will give poor women ownership of land to sustain their livelihoods without depending on government support or family reliance for survival.
- ✓ Local government need to programme that assist rural women with resources that will assist them in maintaining their land. These include resources such as available government tractors to assist with ploughing during the planting season.
- ✓ Local government need to assist in allocating grazing land in rural communities so that agricultural activities may be d carried out without disturbance from livestock in household gardens/plots.

- ✓ Local government need to develop government programmes that subsidise local communities to fence their gardens and agricultural plots to them freely engage in agricultural activities.
- ✓ Local government need to prioritise provision of water tanks and pipe-borne water in rural communities to prevent the incidence of unforeseeable diseases from resulting from humans sharing water with animals in these communities. The provision of water tanks and taps in rural communities This will enable a dignified livelihood for rural women and assist in agricultural activities for rural women's sustainable living.
- ✓ Then again, it is equally important for Provision by government of RDP houses to poor rural households as it is evidently so in peripheral urban areas in the country. Thus, the national government needs to prioritise provision of proper housing in rural areas. This will assist in alleviating poverty in poor rural households, which are mostly run by women. Therefore, women in rural communities need to be provided with RDP housing so they may nature their families with dignity.
- ✓ Local government need to establishment by government of programmes aimed at developing skills of rural women to equip them to run their own businesses. In this regard, agricultural activities should be viewed as economic activities and a subsistence living option.
- ✓ Policy makers and land managers need to encourage women to participate in decisions made during policy formulation and in other land related matters in rural communities to ensure womens' views and needs on land related matters are taken into consideration in rural areas.
- ✓ There is no point of providing resources to rural women if they are not going to be equipped with skills that will enable them to manage and operate their farming businesses in this area.
- ✓ Policy makers and land managers need to develop a land allocation policy for communal rural land. to enable rural communities, follow and understand land allocation processes and criteria used in procedures.

6.5 Limitation of the study

This study investigated the land rights of rural women of Xolobe under Intsika Yethu Local Municipality in the Eastern Cape, South Africa. This study focused on rural women and the land managers with respect to Xolobe Administrative Area (AA) which forms part of the rural areas of Intsika Yethu Local Municipality. This local municipality is made up of many localities or administrative areas that are not considered in this research. Therefore, the potential generalisation cannot be anticipated to represent the entire population of Intsika Yethu Local Municipality. The limitations of this study relate the study area that is geographically located in a very remote area, making accessibility one of the hindering factors in collecting data for the study. However, as the researcher is well acquainted with the area (born and raised here) data collection was managed well except in days where too much rain has fallen. Rain affects the road infrastructure in the area. Therefore, data collection could only take place when the roads have dried up. The researcher kept contact with fieldworkers and arranged transport to and from the middle Xolobe (where the researcher and

fieldworkers reside) to the surrounding areas where data collection was scheduled (upper, middle or lower Xolobe).

The other limitation to this study was the issue of time in concluding data collection. Data collection was carried out for a period of 14 months (from December 2019 till February 2021). Therefore, time was one of the pressing commodities as the study needed to be concluded due to the time-frame criterion of completing a PhD degree.

Also, the data collection of this study was prolonged due to the global pandemic (Covid-19) outbreak in March 2020. The global pandemic hindered the progress of the data collection for this study as travel and personal contact was regulated and limited. Thus, data collection only commenced when the Covid-19 regulations were loosened (lockdown level 1 restriction). Whereafter, Covid-19 regulations of social distancing protocols (that is, wearing of masks and constantly hand sanitising while maintaining a 2 meters social distance) from the government were observed upon recommencement of data collection. Also, the scheduled interviews that were meant to be held face-to-face, ended up being conducted telephonically as a measure of adherence to Covid-19 protocols. Collecting data during the pandemic period affected the study as some respondents who would have participated in the study felt reluctant to participate in fear of the spreading disease.

Another issue that may have affected the validity, reliability and generalisation of the study was the population size that might not have been a true representation of the actual number of people in this area. The population of this study relied on the data provided by Stats SA (2011) census outcome. Of which, a 10 year (2011-2021) period lapsed since the population statistics were conducted. Therefore, the total number of the population in this area may not be a true representation of current population in this area (humans are highly mobile and are confronted by deaths and births on a daily basis in life). Also, records of employee statistics on government human relations is not readily and publicly available. Therefore, limiting the exact number of government employees responsible for land matters in this area. Thus, a non-random sampling, which reduced the study's generalisability as each member of the population did not have an equal chance of being selected was used in this study. However, the use of a large sample size (314) mimicked the probability sampling method, which addressed this limitation in the study.

6.6 Areas for further research

This study investigated the land rights of rural women of Xolobe at Intsika Yethu Local Municipality in the Eastern Cape, South Africa. It focused on the rights of rural women in Xolobe villages (Upper Xolobe, Middle Xolobe and Lower Xolobe). Researchers with funding budget may conduct similar research in other villages of Intsika Yethu Municipality in the Eastern Cape. Further research may be necessary in other rural villages in sub-Saharan Africa and beyond, the results of which may provide insight into similarities and/or differences in practices regarding land accessibility to rural women for sustainable livelihoods.

6.7 Conclusion

This study investigated land availability, land access, land rights awareness and interest in owning land by rural women at Xolobe under Intsika Yethu Municipality. The study found that rural women are aware of land related rights. Seemingly, land is available for all people in this area. However, financial resources to manage land is a major impediment to women owning land in this area. It appears that majority of women in the area depend on social grants and handouts from relatives. Therefore, rural women need to be empowered with skills that will enable them to make a living out of their land.

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APPENDICES

APPENDIX A: QUESTIONNAIRE ON LAND RIGHTS OF RURAL WOMEN



Questionnaire on land rights of rural women

Ethical Consideration

My name is Nosisa Mbane. I am a PhD student of Public Management at the Cape Peninsula University of Technology conducting a research on the land rights of rural women in IntsikaYethu Local Municipality. I kindly wish to invite you to take part in this research by filling out this questionnaire which will take approximately 10 minutes of your time.

Please note that the information obtained from this questionnaire will be treated in strict confidentiality and will be used only for research purpose. Your participation in the study is voluntary and you can withdraw at any time.

Kind regards
Nosisa Mbane

SECTION A: Respondents' Demography
About Yourself: Circle the number that best describes you
Village/ ward:

1. How long have you lived in this area?	
Since birth	1
Below 2 years	2
2 years and above	3
Do not stay here	4
2. Who are the other people living with you	
My children	1
Living alone	2
Husband or partner	3
Other:	4
3. Marital status	
Married	1
Single	2
Widow	3
Divorced	4
5. Age group	
16 – 25	1
26 – 35	2
36 – 45	3
46 – 55	4
56 – 65	5
65 +	6
6. What is the level of your educational attainment?	
Never attended school	1
Sub A- Std 2/ Grade 1-grade 4	2
Std 3- Std 6/ Grade 5-8	3
Std 7- Std 10/ Grade 9-12	4
College	5
University	6
7. What is your source of income:	

Employed	1
Self employed	2
Pensioner	3
Social Grant	4
Supported by family member	5
Other	6
8. Which of these describes your total household income:	
R0.00 – R500.00	1
R600.00 - R1500.00	2
R1600.00 - R2500.00	3
R2600.00 - R8000.00	4
above R9000.00	5
9. Employment Status	
Working	1
Looking for job	2
Not looking for job	3
Never worked	4
Too old to work	5
10. Do you have male children	
Have no children	1
Have girl children	2
Have male children	3
Have adopted male child	4
My husband have male child	5

SECTION B: Land rights of rural women

Please answer the questions below to represent your opinion.
Strongly Disagree: SD, Disagree: D, Undecided: N, Agree: A, Strongly Agree: SA

1. Land availability						
Statement		SD	D	N	A	SA
1.1	There is land for building houses in my community	1	2	3	4	5
1.2	There is land for grazing in my community	1	2	3	4	5
1.3	There is free land available for farming to members of the community	1	2	3	4	5
1.4	Land is available for everyone that asks for it in my community	1	2	3	4	5

1.5	There is land for business activities in my community	1	2	3	4	5
2.Land ownership and access						
Statement		SD	D	N	A	SA
2.1	I am the owner of land for my home	1	2	3	4	5
2.2	Land is owned by certain people in my community	1	2	3	4	5
2.3	I have access to land for other purposes in my community	1	2	3	4	5
2.4	I have no ownership of land in my community	1	2	3	4	5
2.5	I have no access to land for any purposes in my community	1	2	3	4	5
3.Land acquirement						
Statement		SD	D	N	A	SA
3.1	I got land through purchase in my community	1	2	3	4	5
3.2	I got land through inheritance from my parents in my community	1	2	3	4	5
3.3	I got farming land in my community	1	2	3	4	5
3.4	I got land from inheritance from my husband in my community	1	2	3	4	5
3.5	I got land during communal allocation process in my community	1	2	3	4	5
4.Land significance						
Statement		SD	D	N	A	SA
4.1	Land is important for farming	1	2	3	4	5
4.2	Land is important for shelter	1	2	3	4	5
4.3	Land is important for keeping of livestock	1	2	3	4	5
4.4	Land is important for social activities	1	2	3	4	5
4.5	Land is important to support the welfare of life (food, clothing children's education etc.)	1	2	3	4	5
5.Land rights awareness						
Statement		SD	D	N	A	SA
5.1	I am aware of land rights	1	2	3	4	5
5.2	I am aware that people have rights to land	1	2	3	4	5
5.3	I am aware that people have rights to acquire and own land in the community	1	2	3	4	5
5.4	I am aware that women have rights to own land	1	2	3	4	5
5.5	I am aware that women have right to access land	1	2	3	4	5
6. Land inheritance opportunities						
Statement		SD	D	N	A	SA
6.1	Family members in my community have equal opportunity to inherit land	1	2	3	4	5
6.2	Women in my community have opportunity to inherit land	1	2	3	4	5

6.3	Extended family in my community have opportunity to inherit land	1	2	3	4	5
6.4	People in my community share equal opportunity of inheritance to land	1	2	3	4	5
6.5	Women in my community are not supported to inherit land	1	2	3	4	5
7. Awareness of land allocation						
Statement		SD	D	N	A	SA
7.1	People in my community know where to apply for land	1	2	3	4	5
7.2	Women in my community know where to apply for land	1	2	3	4	5
7.3	People in my community know when to apply for land	1	2	3	4	5
7.4	Women in my community know when to apply for land	1	2	3	4	5
7.5	People in my community are not aware of where and when to apply for land	1	2	3	4	5
8. Effects of traditional laws and practices on women's lives						
Statement		SD	D	N	A	SA
8.1	Traditional practices as regard to land allocation are important in my community	1	2	3	4	5
8.2	Traditional laws accept women land ownership in my community	1	2	3	4	5
8.3	Traditional leaders are respected in my community	1	2	3	4	5
8.4	Traditional leaders fairly distribute land in my community	1	2	3	4	5
8.5	I am not happy that land in my community is allocated by traditional leaders	1	2	3	4	5
9. Awareness of laws on land						
Statement		SD	D	N	A	SA
9.1	I am aware of the land act	1	2	3	4	5
9.2	I am aware of that there are laws that are followed by people to apply for land in my community	1	2	3	4	5
9.3	I do not know if there are laws followed by people to apply for land	1	2	3	4	5
9.4	I am aware of that there are laws followed to transfer land	1	2	3	4	5
9.5	I do not think that the laws are followed in terms of allocation and transfers of land in my community	1	2	3	4	5
10. Awareness of policies on land						
Statement		SD	D	N	A	SA
10.1	I know issues on land policy in my community	1	2	3	4	5
10.2	I do not know the land policy in my community	1	2	3	4	5
10.3	I have never been in meeting that talks about policy on land in my community	1	2	3	4	5
10.4	I have been in a meeting that talks about land policy in my community	1	2	3	4	5
10.5	I know land policy of 1997	1	2	3	4	5
11. Womens participation on decision making on land matters						
Statement		SD	D	N	A	SA

11.1	Men in my community make decisions on land issues/land to be used	1	2	3	4	5
11.2	Women in my community make decisions on land matters	1	2	3	4	5
11.3	Women are consulted to give their views on land matters in my community	1	2	3	4	5
11.4	Women are not consulted to give their views on land in my community	1	2	3	4	5
11.5	Women in my community do not make decisions on land matters	1	2	3	4	5

12. Interest on land ownership and access

Statement		SD	D	N	A	SA
12.1	I would like to own land in my community	1	2	3	4	5
12.2	Land in my community can only be accessed by those that have money to buy it	1	2	3	4	5
12.3	I do not afford to own land in my community	1	2	3	4	5
12.4	Land in my community is expensive	1	2	3	4	5
12.5	I would like to have control over land matters in my community	1	2	3	4	5

13. What are the challenges faced by rural women on land matters in your community; Describe them

14. Please suggest possible solutions to the problems related to land matters in your community:

15. Please suggest your views on how the living conditions of women through use of land resources in your community can be improved

Thank you for your time and cooperation.

**APPENDIX B: INTERVIEW GUIDE QUESTIONS FOR TRADITIONAL LEADERS,
WARD COUNCILLORS AND GOVERNMENT OFFICIALS**



**Interview guide questions for Traditional leaders, ward councillors and
government officials**

My name is Nosisa Mbane. I am a PhD student of Public Management at the Cape Peninsula University of Technology conducting research on the land rights of rural women in IntsikaYethu Local Municipality. I kindly wish to invite you to take part in this research by filling out this questionnaire which will be 30 minutes of your time.

Please note that the information obtained from this questionnaire will be treated in strict confidentiality and will be used only for research purpose. Your participation in the study is voluntary and you can withdraw at any time.

Kind regards
Nosisa Mbane

Interview guide questions for Traditional leaders, ward councillors and government officials

1. Is land available in your community?

2. How do people get access to land in your community?

3 (a). Do women apply for land in your community?

3(b). If not, in your opinion what hinders them from applying for land?

4. How land is transferred in your community?

5. Who is responsible for allocation of land in your community?

6. Do women in your community share same equal opportunity of land inheritance as me?

7. Can you describe the process of allocating land in your community?

8. Are traditional practices important in your community?

9. Do traditional laws have an effect on how land is allocated in your community?

10 (a). Are there laws that govern land in your community?

10(b). What are these laws?

11(a). Are there policies that govern land in your community?

11 (b). What are these policies?

12. Is there any proof documentation for ownership of land in your community?

13. Do women allowed in making decisions on land matters in your community?

14. What programmes are existing to empower women to participate effectively on governing policies on land in your community?

Thank you for your time and participation.

APPENDIX C: CONSENT LETTER



**APPENDIX D: ETHICAL
CLEARANCE**



P.O. Box 1906 • Bellville 7535 South Africa • Tel: +27 21 4603291 • Email: fbmsethics@cput.ac.za
Symphony Road Bellville 7535

Office of the Chairperson Research Ethics Committee	Faculty: BUSINESS AND MANAGEMENT SCIENCES
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At a meeting of the Faculty's Research Ethics Committee on 02 November 2017, Ethics Approval was granted to Nontuthuzelo Nosisa Mbane (202087336) for research activities related to the DTech: Public Management at the Cape Peninsula University of Technology

Title of dissertation/thesis/project:	LAND RIGHTS OF AFRICAN RURAL WOMEN WITH REFERENCE TO INTSIKA YETHU MUNICIPALITY IN THE EASTERN CAPE, SOUTH AFRICA. Lead Researcher/Supervisor: <i>A/Prof Rozenda Frandeline Hendrickse</i>
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Comments:

Decision: APPROVED

	02 November 2017
Signed: Chairperson: Research Ethics Committee	Date

Clearance Certificate No | 2017FBREC486

APPENDIX E: EDITORIAL LETTER

SD Dombo University of Business and Integrated Development Studies
Faculty of Public Policy and Governance
Post Office Box WA64
Wa, Upper West Region
Ghana

November 22 2022

TO WHOM IT MAY CONCERN

Confirmation of language and technical editing of Nontuthuzelo Nosissa Mbane's doctoral thesis

This is to confirm that I edited the thesis of the above doctoral candidate, titled 'Land rights implications for rural women of Xolobe at Intsika-Yethu Municipality in Eastern Cape, South Africa', submitted to Cape Peninsula University of Technology, Cape Town.

I thoroughly read each of the chapters of the thesis line by line, sentence by sentence, paragraph by paragraph and page by page, noting issues of concern relating to language and style, and adherence to technical requirements. Based on these, I provided feedback, included recommendations to improve its quality as a scholarly piece of work.

With regard to language and style, the thesis reflected a reasonably good level of scholarly writing with sporadic lapses. It is high logically organised with sound argumentation, as expected of work at the doctoral level. Problematic aspects of language in scholarly writing such as spellings, clumsy sentences, inappropriate vocabulary and others were pointed out for rectification. On technical requirements, I pointed out the need to ensure the preliminary pages conform to the CPUT Thesis Template 2022. Feedback was given on all aspects of the preliminary pages. With corrections and revisions effected, the thesis will take a prominent place in the stock of knowledge on land-related issues in South Africa.

In line with my mandate to edit and improve the quality of the thesis, I did not, in any way change or attempt to change the substance of the thesis, except recommending changes to enhance clarity. Should there be a need to verify the authenticity of this letter, please contact me by email: dassabie@yahoo.co.uk.

Yours sincerely



Professor Maurice Oscar Dassah