


Pie in the Sky?



Commission for Gender Equality
A society free from gender oppression and inequality

POLICY BRIEF 04

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Assessing promotion of gender mainstreaming through land reform in South Africa?

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1. INTRODUCTION & BACKGROUND

Land is a very important economic asset and a vital resource in poverty alleviation. It plays an important role in food production and livelihoods sustainability, particularly in the rural areas of the country. Therefore, unequal access to land remains one of the most important forms of economic exclusion and inequality. Women are more likely than men to suffer from restrictions of access to land, with dire socio-economic consequences.

This Policy Brief is based on the findings of an evaluation study conducted by the Commission for Gender Equality in 2009/10. The study focussed on assessing the extent to which land reform policy and implementation programmes had incorporated gender interest both at policy level and implementation practice between 2005 and 2010.

The findings of the study attested to the persistent gender inequalities in terms of access to land resulting from poor implementation of gender equality policies and programmes. The study also revealed that land reform, redistribution and access are some of the key issues that still need attention in South Africa. The study investigated the extent of internal and external gender transformation through the three pillars of the land reform programme. The three pillars are land redistribution, restitution and tenure reform. It also focussed on the impact of the land reform programmes on both men and women beneficiaries.

The study used in-depth interviews with relevant officials responsible for mainstreaming gender from the Department of Rural Development and Land Reform (DRDLR) and the Department of Agriculture, Forestry and Fisheries (DAFF) across all nine provinces. The study focussed on the DRDLR mainly because it is the key department tasked with the implementation of the land reform programmes. The study also covered

the DAFF because it is tasked with, among other things, the provision of post settlement support to the beneficiaries who acquired land through the land reform programmes. In addition, a thorough review of existing official policy and programme documents and reports from the two departments was carried out. In particular, the Monitoring and Evaluation (M&E) Directorate within the DRDLR provided key information on the three pillars of the land reform programmes.

The purpose of this policy brief is to inform and share the findings of the study with relevant stakeholders, particularly policy makers on land issues in general and in the land reform programme in particular. The aim is to make inputs into and contribute towards ensuring that future policy making in this area takes into account the need for gender mainstreaming and the protection of the rights of women to have a say in terms of policy-making relating to access to and control of land as a resource.

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2. GUIDING POLICY FRAMEWORKS ON GENDER EQUALITY

At international level, South Africa ratified the Convention on the Elimination of Discrimination against Women (CEDAW) in 1995, which aims among others to eliminate discrimination against women on the basis of sex. The Convention therefore obliges state parties to ensure equality in terms of property rights between women and men on matters relating to marriage, divorce and death. South Africa also ratified the Beijing Platform for Action (BPFA) in 1995, which acknowledges that women experience inequality on the basis of their sex. There were also several ratifications of regional instruments on gender equality which include the African Charter on Human and Peoples' rights and its protocol which sought to address the gap in existing international instruments that address human rights from an African perspective.¹

The Convention therefore obliges state parties to ensure equality in terms of property rights between women and men on matters relating to marriage, divorce and death.

Section 9 of the South African Constitution (i.e. the Bill of Rights) provides for the state not to discriminate unfairly, directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture and birth, unless it is established that the discrimination is fair.

¹ Commission for Gender Equality (2010). A Gendered Analysis of Land Reform Policy and Implementation Outcome in SA – A Report, (Johannesburg, May)

The South African Constitution also makes provision for relevant legislations, policies and programmes to promote gender equality in various policy sectors, including the land sector. One of these legislations in this regard is the 1997 White Paper on Land Reform which, among others,² places emphasis on gender equality in terms of access to land, and the effective participation of women in decision-making processes.

The Reconstruction and Development Programme (RDP),³ which led to the White Paper on the Reconstruction and Development⁴, provided one of the early policy statements on the principle of gender equality, and placed the issue of equitable access to land as an important policy objective for the democratic government. The RDP acknowledged and prioritised the need to address gender inequity in a range of policy sectors, including land and identified the need for government assistance in the area of agricultural production.⁵

The national gender policy framework on women empowerment and gender equality is also one of the transformative policy frameworks developed to ensure that gender equality is taken into consideration in all departmental policies, programmes and practices. To realise the goals of this framework, the Land Reform Gender Policy Framework was approved in 1997 with the aim of “actively promoting the principles of gender equity in land reform...” including “mechanisms for ensuring women’s full and equal participation in decision-making in land reform projects, gender-sensitive methodologies in project identification, planning and data collection, legislative reform, and training for both beneficiaries and implementers.”⁶

Also programmes such as the Land Reform for Agricultural Development (LRAD), Land and Agrarian

² Department of Land Affairs (1997). White Paper on South African Land Reform Policy, (Pretoria, April)

³ See the African National Congress (1994). Reconstruction and Development Programme.

⁴ RSA (1994). The Reconstruction and Development White Paper (Notice no. 1954 of 1994)

⁵ Commission for Gender Equality (2010), Op. cit.

⁶ See the Rural Women’s Movement of South Africa website (www.rwmsa.org)

Land Reform Project (LARP), the Comprehensive Rural Development Programme (CRDP) and the Proactive Land Acquisition Strategy (PLAS) are among the key policy instruments intended to transform the sector in terms of addressing gender inequalities in the land reform programmes.

3. THE ISSUE: GENDER EQUALITY AND ACCESS TO LAND

The central issue for the study was to examine progress achieved by the DRDLR in terms of promoting gender equality and mainstreaming through the government's land reform programme. The provisions contained in the various policies, programmes, legislations and conventions as outlined above provide the broad guiding framework for ensuring equitable access to land by women.

A study conducted by the CGE in 2009/10 on gender equality in the land reform programme⁷ found that the outputs and reforms envisaged in the national policy framework for women empowerment and gender equality are yet to be fully realised through the land reform programmes of the DRDLR and DAFF. This Policy Brief will provide a summary of the key findings of this study and discuss key policy issues and make recommendations to relevant policy makers in relevant government ministries and related state agencies.

promoting gender equality and mainstreaming through the government's land reform programme



⁷Commission for Gender Equality (2010), Op. cit., p14

4. RESEARCH FINDINGS

4.1. Internal Gender Mainstreaming in the DRDLR

The study looked at a number of core themes such as staff gender profile, human resource capacity development, gender-disaggregated data, training; Gender Focal Person (GFPs), allocation of resources and capacity issues.

The study revealed that there were few women in senior managerial positions⁸ in the core directorates of the department. For example, the Strategic Management Committee of the DRDLR comprised 89 percent men and 11 percent women. On the other hand DAFF showed some remarkable progress in terms of achieving 50/50 representation in senior management compared to DRDLR. The study revealed that DAFF's top management comprised of 56% women and 44% men, which is five women and four men. It was noted that the department has employee programmes aimed at gender empowerment; however it lacks a database of women who have been trained. A common trend noted in most of the provinces is that there have been explicit attempts to ensure gender profiling of the various departments and their attempts to reach the "50/50 male-to-female ratio". Despite the fact that most departments are still predominantly represented by males, the margin of difference between male-female ratios is declining.

The training of all staff, to ensure that gender awareness and mainstreaming is achieved, was conducted across all the provinces. However, with regard to the need to recruit women to the top management levels, it was found that the majority of the Gender Focal Persons in the provinces were employed at deputy director level, which in most instances meant that they did not exercise any significant authority or influence over the allocation of resources to ensure that their mandates are fulfilled.

⁸Levels P14 to P16 in the public service in South Africa

It was also found that there was generally failure to define an integrated and coordinated strategy towards gender mainstreaming in most of the provinces. It was also established that gender sensitive budgeting frameworks had not been created in the majority of the provinces. Resource allocation towards land reform programmes was not carried out in a way that prioritised gender mainstreaming.

It was discovered that current systems for capturing and storing data were not optimal and capture limited information on the gender related aspects of the land reform programme. As a result only women-specific and individual data on programmes were captured, resulting in incomplete gender disaggregated data.

The study also revealed that there is no skills audit or skills database for land reform employees. Some provinces (e.g. Northern Cape) have admitted being unsure of the reliability of the data that they collect in this regard. This suggests that it would be difficult to monitor and therefore evaluate the extent to which the department prioritises women empowerment and gender equality through its land reform programme.

4.2. External Gender Mainstreaming: Beneficiaries of Land Reform

With regards to the three pillars of the land reform programme (i.e. land redistribution, land restitution and tenure reform), the study revealed that between 2005 and 2010, the land redistribution and tenure programme benefited about 50,877 people. Of these beneficiaries 18,284 (35.9%) were women. The study also noted that the number of beneficiaries decreased between 2005 and 2010 (i.e. from 11,035 to 9,275). As indicated already, a database of beneficiaries of the land redistribution has been created in all the provinces. However the database contains only women beneficiaries of the programme.

The study revealed that the restitution programme benefited 726,952 people. About 62,077 (9%) of these beneficiaries were females whilst the rest were men. A major criticism of the restitution programme therefore has been that its conception of claimants is 'un-gendered', and that no effort has been made to prioritise women. The acknowledgement of womens' rights is still limited. There is strong perception of negative attitudes from service providers, traditional leaders/chiefs as well as hostile rules and practices of customary law and patriarchal household and community relations. In addition, the ability and prospects of women to make land claims depends largely on their social status and the goodwill of male partners and/or relatives.

It is widely acknowledged that women's access to land is severely restricted. However their access to other services including credit, technology, marketing and other information that is vital to enhance their contribution to agricultural production, is also severely limited. The Comprehensive Agricultural Support Programme does not make any provision to prioritise the interests of women. Also, the Black Economic Empowerment policy does not appear to place any priority on promoting the interests of women in the agricultural sector.

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4.3. Challenges Identified

A number of recurring common challenges have been identified in gender mainstreaming through the land reform programme across the provinces in both the DRDLR and DAFF are the following:

- Institutional biases that contribute to unequal representation of women in decision-making in all fields and at all levels.
- Lack of institutional arrangements to promote gender perspectives in policy formulation, programming and implementation in all fields and in all levels of the programmes.
- Lack of a sufficient institutionalisation of gender analysis, gender statistics and other techniques of gender mainstreaming in all facets of gender mainstreaming.
- The 'willing buyer, willing seller' process restricts the effective participation of rural people, including women, due to high land prices. Consequently, women do not show interest in the acquisition of land.

It is also worth noting that any approach that focuses attention on the number of women beneficiaries of the land reform programme, risks excluding other very crucial factors that will play an important role in gender mainstreaming through the land reform programme. These factors include power relations, cultural practices and the production regimes in which women are involved (e.g. cash crops, livestock, etc.), access to credit and support services for farmers. These factors can impact the extent to which gender equality and women's empowerment can be promoted successfully through land reform.

4.4. Policy Implications

The study identified several important issues arising out of attempts to mainstream gender in the land sector in South Africa. There are important policy implications from these issues. Firstly, the challenges identified in the section above clearly point towards internal institutional environments that are hostile towards gender mainstreaming. A variety of factors including failure to design appropriate and effective internal structures, policies and programmes to drive gender mainstreaming were identified.

To illustrate this point, it was indicated that the most Gender Focal Persons are appointed at levels below senior management (i.e. director level) in many state institutions. The national gender policy framework on gender equality and women empowerment recommended that Gender Focal Persons (GFPs) be appointed at director level in the office of the director general. This would place them in a better position to influence decision making processes, particularly around issues of gender mainstreaming. However the appointment of the most GFPs at levels below senior management levels disempowers them in terms of authority to drive gender mainstreaming processes at senior management levels. Similarly, the failure by the DRDLR to engage in gender budgeting means that gender policies do not occupy an important place in internal strategic planning processes and allocation of resources. The implication for policy-makers here is that the prospects for effect gender mainstreaming in state institutions are dim; given the clear negative internal departmental circumstances leading to failure to prioritise gender, lack of resources and failure to assign the necessary authority to those officials given the responsibility to drive gender mainstreaming in state institutions.

Secondly, the fact that the government's Land Reform Programme tends to conceptualise land reform beneficiaries in a gender neutral manner suggests that current gender policy frameworks were not taken into consideration in the formulation of land reform programmes. For instance, as indicated above, the Comprehensive Agriculture Support Programme (CASP) does not identify women as a specific category of beneficiaries of the programme. Women can only be inferred as beneficiaries from the current specified categories such as the "hungry, subsistence and household food producers, farmers and agricultural macro-systems within the consumer environment"⁹. If the land reform programme is not informed by current gender policies and legislation, then the prospects for effective gender mainstreaming in the land sector are fairly dismal.

Thirdly, the consistent and widespread failure of state institutions to collect, compile and collate sex disaggregated statistics is further evidence of internal unwillingness or reluctance at senior management level to prioritise gender mainstreaming. Such information is crucial in enabling policy-makers to evaluate not only the extent of progress towards gender mainstreaming, but also the numbers of women benefiting from the land reform programme in relation to the number of male beneficiaries.

POLICY RECOMMENDATIONS

The following recommendations were derived from the findings of the study:

- Define clear timeframes and develop reporting responsibilities for gender mainstreaming in the land reform programme across the provincial and national levels.

- There should also be a centralised information management system with information on land allocation and usage by gender.
- State institutions should review the appointment of Gender Focal Persons (GFPs) to ensure that they are appointed appropriately at senior levels, preferably in the offices of the director-generals of government departments. This will empower them to them to influence policy decision and allocation of resources for gender mainstreaming.
- It is important that institutions implementing the land reform programme, particularly the RDLR, develop an effective system of collective, compiling and collating gender-disaggregated data on the beneficiaries of the land reform programme.
- The DRDLR and the DAFF should develop capacity for gender budgeting to reflect the prioritisation of gender mainstreaming policies and programmes, accompanied by the necessary resources.
- The DRDLR and the DAFF should respectively develop integrated and coordinated strategies to minimise role confusion and haphazard approaches to gender mainstreaming in the land sector.
- The DAFF should develop an effective communication strategy to inform rural and farming communities about their rights to participate in farming. The aim should be to attract maximum participation by women as beneficiaries of the land reform programme.



⁹ Commission for Gender Equality (2010), Op. cit., p14

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