

# Why cultural and contextual trends matter in land reform

 By Peter Setou

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As frustration continues to mount about the sluggish pace of the land reform programme, it is instructive that we should place the land reform programme within the right historical and cultural context. In attempts to understand the current land patterns, history counts, and legacies remain crucial to the correction of the future of land reform. In South Africa, land has traditionally been used to bring a sense of belonging and political status.



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The High-Level Panel on Land Reform and Rural Development, also known as the Motlanthe Report has highlighted some of the structural impediments that have derailed the land reform programme and stifled the success of land that has been awarded to claimant communities. Insufficient funding and lack of capacity have been noted as some of the primary barriers to the land reform programme.

While the report went into detail in articulating some of the structural barriers that continue to impede on the pace of the land reform programme, it will be remiss not to acknowledge the role that cultural practices play in either enabling or hindering the land reform programme, and how these factors facilitate or frustrate the role that women play in agricultural production and in the overall land reform programme.

The land is generally considered to be a key resource to women's living conditions, economic empowerment, and their struggle for equity and equality. According to the United Nation's Food and Agriculture Organisation (FAO), more than 60% of women in Southern Africa are dependent on the land for their livelihoods.

## Property, land ownership on gender grounds

However, despite women's intimate connection to the land, their land rights are still discriminated against on the basis of statutory and customary laws that are biased in favour of male ownership. The traditional exclusion of women from property and land ownership on gender grounds is one of the most damaging global human rights violations experienced in many developing countries. Without rights to land, women's economic and physical security is compromised.

A crucial issue to consider is changing the structure of CPAs, as most of these are chaired by men.

Discriminatory cultural and patriarchal practices often serve as barriers that prevent women's access to, use of, and control over land and other productive resources. This manifests itself in inadequate legal standards or ineffective implementation at national and local levels and impacts how women experience land tenure.

While in South Africa there has been progressive legislation to foster gender equity and protect the rights of women in relation to land ownership, however, the implementation of some of these laws has been compromised in some instances. Although the Constitution outlaws discriminatory practices, women still face considerable challenges when it comes to exercising their rights of tenure due to deeply-ingrained cultural practices that frown upon women owning property, including land.

Many communities throughout South Africa stake their claim for the restoration of their ancestral land where they were forcibly removed from, the role of women in the land reform programme becomes even more pronounced. It is unfortunate that women's rights to land have always been contested, and this is a historical issue, that needs to be addressed effectively in order to address other issues to address gender inequality around women's land rights.

In South Africa, historically, thousands of hectares of rural land remain vested in communal ownership under the patronage of chiefs; who were the traditional landowners, considered landlords and their subjects had secondary rights and everyone else had secondary rights to land. While women continue to constitute the majority of the workforce that work the land while their male counterparts are confined to the cities as migrant labour, women do not have tenure or ownership of the land.

These historical and cultural practices serve to perpetuate discriminatory practices and confine women to the periphery of agricultural production. It is therefore critical that the land reform programme should be used as a catalyst that paves the way for the transformation of communal land rights into private property.

Regrettably, customary land reform efforts have often been frustrated by indigenous people who feel such proposals threaten rural livelihoods and undermine the traditional political structures.

## **Changing skewed land ownership patterns**

Ownership that is vested in this way may benefit: firstly ownership through title deeds can be used as security against a loan, secondly, the transformation of customary into private land leads to increased farm productivity, and thirdly security of tenure is a key determinant of the investment the owner and potential investors can make in the land.

In addition, government policies should urgently consider reviewing some of the powers given to chiefs over land, explore formalising customary land rights, and empowering women to own more land through independent rights.

It is encouraging that the Minister of Agriculture, Land Reform and Rural Development, Thoko Didiza and the Department have set a target to allocate 50% of the available land to women, 40% to youth, and 6% to people with disabilities. Post settlement support remains crucial if we are to make any meaningful progress. Providing land to beneficiaries without providing them with the requisite support is tantamount to setting them up for failure. Skills development programmes to enable the empowerment of women, youth, and people with disabilities will also go a long way in transforming historical

practices on land reform.

Vumelana Advisory Fund has always maintained that the success of the land reform programme hinges on the extent to which the claimant communities can successfully enter into commercially viable partnerships with private investors. Changing the ownership patterns whilst partnering with the credible private sector players who have the skills, access to finance and markets, will go a long way towards empowering women, eradicating discriminatory practices, improving equity, and ensuring increased productivity of the land.

## ABOUT PETER SETOU

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