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PIETY IN THE SKY? GENDER POLICY AND LAND REFORM IN SOUTH AFRICA

Research Report, Phase Two of the South African Case Study

Paper Prepared for the UNRISD Project on Agrarian Change,
Gender and Land Rights

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INTRODUCTION

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

Three and a half years later, DLA officials participating in an internal 'Gender Best Practices' workshop in the KwaZulu Natal provincial office complained that 'gender' was not regarded as part of the core business of the Department - 'Gender is not a killer issue,' said one participant. 'The Department would not walk away from a project where you are not getting cooperation around gender issues' (Research notes, Workshop, 24.10.2000).

The disjuncture between what is said in formal policy documents about promoting gender equity in and through land reform and what happens to gender policy 'on the ground' lies at the heart of the research project that is reported on here. This Report has two main concerns. The first is to examine the degree to which there is a disjuncture and try to understand why this should be the case. To what extent has the aim of creating an enabling environment for women to 'access, own, control, use and manage' land been realised? How has the Gender Policy of the DLA been managed and implemented? Why do gender activists within and without the Department feel gender concerns are peripheral and not part of the active 'core business' of land reform? Is this view justified and how might dynamics in the wider society be interacting with and complicating the gender policy goals of the DLA? Is it fair, is it helpful, to say that the commitment to gender equity has been honoured more in the breach than in the execution - has remained at the level of lofty, high-level principles, a kind of 'piety in the sky' that has not been translated into vigorous, (grounded) action in the field? And if, as this Report argues, this is, largely, the case - why this recurring gap between policy and implementation, principle and practice?

The second focus of this Research Report is to draw together ideas emerging from this work and that of others to try to address the question: How can the commitment to gender equity be more effectively championed both at the policy level and within the land reform programme as it is implemented in the different regions of the country? More specifically, what can be done to ensure that women and men benefit from the state's land reform programme on a more equitable basis, in a way that supports rather than confounds the broader societal commitment to eliminating widespread social inequalities and poverty in the rural areas, including centrally, but not exclusively, the gendered dimensions of this?

This component of the research is framed by an appreciation of how challenging such an exercise is, also how limited an intervention one research project, commissioned outside the ambit of the responsible government agencies, can expect to make around both policy and practice. It is relatively easy to critique the frequently self-evident weaknesses and failures of policy formulation and implementation, especially when measured against the ambitious objectives. Serious alternatives are, however, harder to craft - particularly because, as this Report argues, rural women's social subordination is multi-factorial, its eradication multi-sectoral, involving many players. It is unrealistic - misconceived - to expect any one aspect of government policy, such as land reform, or any one agent of government, such as the DLA, to

resolve all of society's contradictions and shortcomings with regard to gender relations through its line-function responsibilities. Yet this often seems to be the unspoken mandate of the DLA that is implicit in many of the criticisms of its achievements. Inflated expectations are certainly evident in the aspirations of many gender activists for land reform to serve as a catalyst for the substantial reordering of gender relations in rural society, as well as in the deep disappointment they express at what has been realised to date.

One of the general points this Report wishes to make is how overburdened the land reform programme is, labouring under unrealistic expectations from the public of what it can achieve on its own in transforming social relations and ushering in the just, productive, sustainable and tolerant society envisaged by the *White Paper on South African Land Policy* (DLA, 1997a; henceforth the '*White Paper*'). Truly synergistic policy interventions across different government programmes remain elusive. Furthermore, as this Report will argue, much of the real work of transforming gender relations in land reform projects comes after the DLA has 'exited' the project, which is after the land has been transferred to the newly created legal entity that is to hold that land. In large measure, of course, the pressure on DLA to exit a project as soon as possible after the transfer of the land is because of the very real political pressure on the government to speed up the pace and scope of its land reform programme. Since 1994 there has been a deep tension within the DLA's operation between its commitment to significant social transformation, on the one hand, and its desire to speed up land redistribution (measured most commonly in blunt numeric indicators of hectares and total beneficiaries) on the other.

Structure of the Report

This Report pulls together the findings from a multi-pronged research project that combines an assessment of the land reform policy at the national level with an investigation of the way in which the national gender policy has been operationalised in one province, that of KwaZulu Natal. The discussion on KwaZulu Natal is based on a study of how the policy has been managed in the provincial office of the DLA and in three particular land reform projects in the province (Mahlabathini, Ntabeni and The Gorge); this component includes a limited consideration of the role of some provincial and local government structures and NGOs as well.

The discussion is organised as follows:

- 1 Section One summarises the general context for land reform and gives a brief overview of the ANC government's land reform programme since 1994. This Section derives from a more detailed 'Background Report' on land reform in South Africa that I have already prepared as Phase One of the research project; the reader is referred to this Report (Walker, 2000) for a fuller account of the context for land reform and of policy developments since the early 1990s.
- 2 Section Two examines the DLA's formal commitment to gender equity as a policy goal at the national level, drawing largely on official policy documents, interviews with key informants, and personal observations arising from participation in some internal DLA processes and debates. This work is also informed by my field research and engagement with the views of other researchers and observers.
- 3 Section Three looks at how the policy of gender equity has been implemented and with what results on the ground, using as its prism developments within the KwaZulu Natal provincial office and the three projects chosen as case studies in this province. This section is also based primarily on interviews, with DLA and other officials, land reform beneficiaries and NGO staff, and an analysis of relevant documents and processes.¹

¹ Interviews with officials were conducted by myself. Interviews and group discussions with land reform beneficiaries were undertaken on my behalf by Sizani Ngubane, of the Association for Rural Advancement (AFRA), with the assistance of Nomusa Sokhela. Their contribution to the success of this project is gratefully acknowledged.

- 4 Finally, Section Four draws some general conclusions about the way in which the DLA's policy commitment to gender equity is impacting on the position of poor, rural women and the implications of this research for the current phase of land reform, with its re-directed emphasis on black commercial farmers. It makes certain proposals about how to give the prominent commitment to gender equity in 'first-tier' policy documents greater force further down the policy stream - to move from the current situation of 'piety in the sky' towards one of more substantial progress on the ground.

The focus is on the land redistribution programme and to a lesser extent that of tenure security, the two land reform programmes that have been the primary responsibility of the DLA.² Redistribution was designed around the compelling need to address high levels of landlessness among the black majority, as well as the huge disparities between black and white members of society in terms of land ownership and related rights and opportunities. Tenure security encompasses the related need to secure and/or upgrade the very precarious rights in land many black people exercise, either on land that is owned and/or controlled by others (affecting, in particular, the different categories of workers and tenants living on privately-owned farm land), or, more controversially, on land in the 'communal areas' (formally state-owned land, in the former bantustans). Here various permutations of customary law prevail, generally under the control or patronage of a system of *amakhosi* (traditional 'chiefs' sanctioned by the authorities) and Tribal Authorities.

The third land reform programme, that of land restitution, has not been directly researched for this project. Restitution was intended to redress the injustices suffered by those people and communities who were dispossessed of their land rights after June 1913 by the state, in terms of what would today be considered 'racially discriminatory laws and practices'. Thus land claims arising out of the colonial wars and land settlement history before the passage of the Natives Land Act in 1913, which laid the basis on which first the 'native reserves' and then the bantustan/homeland policies of apartheid would develop, are excluded. Primary responsibility for investigating, approving and settling these claims has been assigned to a Land Claims Commission and a Land Claims Court.³ While this research project has not addressed the gender policy (or lack thereof) in the restitution programme, personal experience suggests that many of the findings made with regard to the other aspects of land reform could be extended to this programme (and possibly even amplified).

Interviews followed a basic schedule of issues in an open-ended and informal manner which allowed exploration of specific responses and issues raised by the interviewees. In most cases where interview material is drawn upon in this Report, the identity of the speaker is not given. This has been done to respect the request by many of those interviewed, in both government and land reform communities, that they not be personally named in the text.

² Land reform has also extended to the urban areas but this aspect falls outside the scope of the research. For the DLA the major urban issues have been the management and disposal of urban state-owned land and policy relating to land development planning. In the case of restitution, urban land claims, stemming mainly from the enforcement of the Group Areas Act in the 1950s to 1970s, have formed a very large component of the work. About 80% of all claim forms have been filed against urban land; rural claim forms have been far fewer in number but generally involve many more claimants, for much larger pieces of land, because of the group or community nature of many of the claims.

³ By December 1998, the cut-off date for lodging claims, some 63 500 claim forms had been lodged around the country. According to a report in *The Sunday Independent* on 25 March 2001, by then 12 149 claims had been settled, representing a huge increase since the end of 1999, when the figure stood at 41. However, caution needs to be exercised in interpreting these figures as 1) there is no one-to-one correlation between the number of claims settled and the number of claim forms lodged (in many cases one claim form embraces hundreds of individual claims) and 2) 'settled claim' refers to claims at a number of different stages on the route from agreement on the settlement among the parties to claimants' final occupation of transferred land by claimants or, in the case of cash payouts, final receipt of compensation. There may still be much work for officials after a claim has been officially pronounced 'settled'.

Applicability of the case study approach

It is recognised that the limited case study approach adopted in the field component of this research means that caution has to be exercised in generalising too freely from these findings to the national picture. This is particularly the case with regard to the specific social dynamics in the three projects described here. Given the different types of land reform projects within the redistribution programme, as well as the huge range in scale and conditions that characterises these projects, the discussion on gender relations and the participation of women in these case studies should be seen as indicative for similar types of projects and illustrative, rather than definitive, of the challenges facing the DLA in trying to promote gender equity through land reform in rural communities.

The differences in the political, economic and social conditions prevailing in each of the nine provinces also means that one cannot simply extrapolate from the experience of the DLA in KwaZulu Natal to that of the other provincial offices. Nevertheless, I believe the findings on the difficulties that are evident in the implementation of formal gender policy by the KwaZulu Natal office of the DLA are revealing of broader trends within the land reform programme and do have national salience. Furthermore, because of the socio-political conditions in the province, a land reform programme that successfully targets poor rural women in KwaZulu Natal will make a considerable impact on national levels of female poverty and landlessness.

For one thing, the findings for the KwaZulu Natal office can be linked back to certain institutional weaknesses in the national office, which can be assumed to impact negatively on all the provincial offices. For another, KwaZulu Natal is a major site of land reform in the country - thus the success or failure of land reform in this one region will have a significant impact both on public perceptions of the success or failure of land reform nationally and on the actual measurements of progress by land reform as a national programme. KwaZulu Natal, with close on 21% of the total population of the country, is the most populous of the nine provinces and one of the more rural, with just under 57% of the provincial population classified as non-urban (Statistics South Africa, 2000: 10-11; 9). The adjusted figures for the 1996 Population Census show that just over one quarter of all South Africans classified as 'non-urban' - the primary targets for land reform - live in this province (Statistics South Africa, 1999: 6). As a result of the legacies of past urban migration patterns and influx control policies⁴, the rural population of the province is (as in other provinces) skewed towards women - in the mid 1990s 54% of the economically active age group (16-64 years) in the rural areas were women (May, nd (1995): 20), with the preponderance of women over men even higher in the former bantustan enclaves within the rural areas.

Rural poverty levels in the province show regional variation but are uniformly high. KwaZulu Natal has the third highest unemployment level (39%) among the nine provinces (Statistics South Africa, 2000: 41). The province also carries the further burden of being the epi-centre of the HIV/AIDS epidemic in the country. AIDS is set to have an increasingly devastating effect on socio-economic conditions, with serious implications for the design of the land reform programme that have yet to be taken on board at a policy level. The AIDS policy that is in place within the DLA focuses primarily on internal, workplace concerns rather than on programmatic issues to do with the nature and design of land reform projects in response to the profound socio-economic impact the epidemic will have on rural areas (Walker, 2000). As I note in my Background Report.

The issues involved are clearly gendered - inheritance, the notion of 'community care' in which women are likely to be the front-ranking caregivers, who decides how to prioritise different kinds of land uses, and so on (ibid: 37).

⁴ 'Influx control' refers to a range of policies developed by successive white supremacist governments to restrict access to urban areas by African people and support a migrant labour policy for mining and industry. African workers were, with some exceptions, not allowed to settle permanently in towns, but required to maintain a home base in the reserves/bantustans. The policies impacted differentially on African men and women. Men were targeted as workers and women as 'homemakers', the index of permanent residence in the rural areas for the African population.

In addition, land continues to play a potent political role in the province, both in relation to the national government and at the local level. The politics of traditionalism are particularly intense in KwaZulu Natal. KwaZulu Natal is one of only two provinces that are not controlled by the ruling ANC party (the other is the very different Western Cape province) and, since 1994, the ANC has engaged in an intricate set of manoeuvres with the ruling Inkatha Freedom Party (IFP) in the province, about the place of 'culture' and 'traditional authorities' in rural local government. The IFP's political power base is centred on *amakhosi* and the Tribal Authorities that they head; the ANC response has been driven both by its desire to weaken, alternatively co-opt, this power base and by its concern to reduce the extremely high levels of political violence between ANC and IFP supporters in the province since the mid 1980s. Given that the traditionalism espoused by the IFP and many of its adherents in the Tribal Authorities is deeply patriarchal in content, I have argued elsewhere that the ANC's political dance with the IFP has blunted its commitment to the principle of gender equity in rural affairs in practice, not only in KwaZulu Natal but, because of the particular political weight this province carries, nationally as well. Gender equity has thus been a principle of government policy that is more readily endorsed in the urban context. (For a fuller discussion, see Walker, 1994, and 2000.)

SECTION ONE: GENERAL CONTEXT

As I note in my Background Report of November 2000, it is an interesting yet difficult time to be doing research on land reform. Land reform has acquired a relatively high degree of political attention as a result of the ongoing land crisis in neighbouring Zimbabwe, with renewed calls from across the political spectrum for the speeding up of land redistribution and land restitution within South Africa, to avoid a Zimbabwe-type scenario. In mid 2001 there are indications in the form of isolated examples of protest by impatient land claimants or would-be land redistribution beneficiaries, culminating in some instances in high-profile land invasions, that fears of what might be termed the 'Zimbabwean effect' are not baseless. However, the presumption of some observers that Zimbabwe presages what is necessarily to come in South Africa is, given the significant differences between the two countries, certainly unfounded, if not racist in its subtext of the presumed inevitability of a 'black' government in South Africa proceeding down a similar path of disregard for the rule of law as the Mugabe government.⁵

Also adding to the challenge of the research task, a new fluidity has entered the land reform arena since mid-1999, as a result of major shifts in emphasis in the national policy framework. This is linked to changes in the political leadership in the Ministry which has, in turn, led to rapid changes in senior management in the DLA. These developments, which predate the emergence of the Zimbabwean land crisis on the political arena, have signalled the end of what can now be seen to have been the 'first phase' of post-apartheid land reform (1993 - 1999); in retrospect this phase can very clearly be seen as emblematic of the (now receded) populist vision of social justice, redress and poverty alleviation that shaped the ANC's election manifesto in 1994, the Reconstruction and Development Programme (RDP). Indeed, it could be argued that the land reform programme of the DLA before 1999 was the one area of government where the vision of the RDP continued to underpin departmental policy even after the advent, a few years into the ANC's first term of office, of its politically more conservative macro-economic policy, the 'Growth, Employment and Redistribution' (GEAR) strategy of 1996.

In my Background Report I note that the reorientation of land reform policy after 1999 must be analysed 'in the context of the ongoing re-definition of the ANC's political and economic priorities in the post-Mandela era, under President Mbeki, and the deeper trends in the realignment of South African society that this reveals.' I suggest three key issues to consider:

- 1) the hegemony of the notions of market, private property and the redistributive logic of capitalism in current government strategy, 2) the marginalisation of the rural areas in economic debate, and 3) the rise of a small but increasingly powerful black middle class (Walker, 2000: 2).

These features have intersected in untidy ways with the historical legacy of South Africa's massively skewed land dispensation and the politics that this continues to inform. I thus also caution against viewing the politics of land reform simply as an adjunct to macro-economic policy. As the KwaZulu Natal case studies in this Report show, for poor people a secure place to live carries enormous value in their daily struggle to cobble together a living from a variety of income sources which include, but go beyond, the material resources offered by the land itself.⁶ In addition:

Land ... carries with it a highly charged, historically indexed symbolic significance at the political level that still resonates with policy-makers - land reform is about returning that which was stolen,

⁵ The ANC has, for its part, tended to respond to criticisms of its 'quiet diplomacy' policy towards Zimbabwe on the land issue and associated erosion of the rule of law in inverse mode, as if the criticism is driven solely by white racism, which is clearly not the case. (See eg report in *The Independent on Saturday*, 24 March 2001.)

⁶ There is a large literature on what has come to be termed 'livelihood strategies' in South Africa. See various contributions in Cousins (ed), 2000 and the two-volume study edited by Lipton *et al*, 1996.

that which was used to dispossess, that which fuelled the struggle against apartheid by the black majority. At the individual and community level land is imbued with cultural and emotional meaning that is based on more than its purely utilitarian value. Land is still a potent factor in the social identity of many South Africans, especially but not exclusively in the rural areas. (This point about social identity is not, of course, confined to the poor, or to black people ...) (Walker, 2000: 5).

As a consequence, the popular debate on land reform policy continues to be infused with an emotional content that derives its power both from the brutal memory of land dispossession and from the shimmering promise of redress held out by 'liberation'.

Yet at the same time, while symbolically important and politically always a potential flashpoint⁷, land reform has occupied a lowly position in the policy hierarchy and priorities of national government since 1994. It's share of the National Budget is tiny - in 2001 in the region of 0,38%, on a par with the Department of Arts, Culture, Science and Technology and well below the 0,9% allocated to both the Department of Labour and the Department of Trade and Industry and the 1,4 % allocated the Department of Housing (calculated from figures supplied by the National Treasury, 2001: 9). This has to be understood in terms of the 'resolutely urban and industrial focus' of both the economic policies and the political priorities of the ANC in government. The former can be linked to the declining importance of agriculture in the national economy; the latter reflects a long history of urban bias within the ANC (Hart, 1996), which the ongoing political dominance of the urban areas, both in the form of the growing black middle class and of organised labour, continues to enforce. Throughout the 1990s policy makers within government tended to regard 'rural development' for the now somewhat less than 50% of the population living outside the urban areas as pre-eminently a social welfare rather than an economic problem. (See Walker, 2000.)⁸

Linked to this has been the steady move of the ANC in office away from its radical election manifesto of 1994, of 'growth through redistribution' (the claim of the RDP), towards an increasingly stringent macro-economic policy, intended to attract notoriously fickle foreign investment through a programme of fiscal discipline, public service restructuring, privatisation and deregulation of industry. This has included a dramatic deregulation of the once heavily protected agricultural sector, to the point where South African agriculture is now one of the least state-protected agricultural sectors in the world (Van Rooyen, 2000) and, given the economic difficulties facing this sector, serious questions are being asked about its attractiveness to new (black) recruits. By the time the *White Paper* came to be published, the RDP had been effectively relegated to the sidelines. (Revealingly, the rump of the RDP office ended up in the DLA, where it produced a largely disregarded 'Rural Development Framework' document in 1997.) This shift was underway while the *White Paper* was being drafted and is indirectly acknowledged within this document as part of the broader policy context within which land reform would have to operate:

There are those who demand that land should be taken from those who have too much of it and that it should be distributed free to the landless. ... There are others who insist that land should be allocated only to those who can prove that they can use it productively and that, in any case, private land is sacrosanct and land should only be transferred on the basis of willing-buyer and willing-seller. Government has studied the above arguments ... The challenge is to find a way of redistributing land to the needy, and at the same time maintaining public confidence in the land

⁷ At the time of finalising this Report, in early July 2001, this point was being hammered home by the land invasions occurring on peri-urban land in Kempton Park, Johannesburg. These invasions have involved poor and frustrated urban residents seeking housing opportunities, but they have been presented by those hoping to benefit politically from them, as well as by many in the media, as the direct consequence of the failure of the government's land reform policies more generally.

⁸ The most recent government statement on rural development, the 'Integrated Sustainable Rural Development Strategy' of February 2001 (Republic of South Africa 2001), does emphasise the importance of economic development.

market (DLA, 1997a: 17).

In order to understand the gender dynamics at play, one also needs to consider the relative weakness of what may be termed the broad 'women's movement' since 1994, especially in the rural areas, and the very dilute presence of gender issues in national policy debates on rural development and local government. This was particularly noticeable in the political manoeuvring around the role of traditional leaders in the run-up to the local government elections in late 2000,⁹ where there was minimal public input by women's groups on the patriarchal nature of the institution of traditional leadership. While a national coalition of women's organisations was important in winning crucial constitutional guarantees for gender equality in 1993/94, and for ensuring a high profile for the rights of women at the level of general principle in subsequent political debate, this level of activism has not been matched since. The major areas of organisation have been in the urban areas, especially (and importantly) around violence against women. There is no strong grassroots movement of women in the rural areas. A number of prominent rural leaders were siphoned off into Parliament after 1994, where they have not been as effective in representing rural women as they were in civil society. The relatively high proportion of women in the national Parliament in international terms, at 30%, (Razavi, 2000) has not translated itself into a vigorous force for transformation of unequal gender relationships by government. And, while the Commission on Gender Equality (CGE) has identified the position of rural women as one of its primary concerns, that body has not been able to direct this into strategically effective interventions in government programmes, nor does it have any mandate to organise women.¹⁰

In the following sections key elements of the land reform programme in its first and its second phases are briefly summarised as a lead-in to the account of departmental gender policy that follows. A fuller discussion can be found in my Background Report (Walker, 2000).

Land reform in the first phase, 1994 - 1999

The DLA was launched in 1994 as a new department on the back of the former Department of Regional and Land Affairs. The institutional context was not auspicious. The Department of Regional and Land Affairs had itself only been cobbled together in 1991, to manage an awkward amalgam of regional planning and development functions on the one hand and 'homeland administration' on the other, the latter aspect deriving from the disbanding of the thoroughly discredited Department of Development Aid, which was itself a sequel to the various versions of 'native administration' dreamed up by successive white governments in the course of the twentieth century. As in other government departments, the new DLA had a mammoth task - to meet the very high expectations of rapid land reform on the part of those who had just voted the ANC into power, to draft and guide through a new and unfamiliar Parliamentary process the appropriate legislation to achieve this, to recruit new staff who shared the government's broad commitment to land reform, to develop operating and management systems as well as a new institutional culture within the Department, and also to deal with the ongoing demands of what came to be called its 'legacy projects', i.e. those land projects, some involving large groups of people, that had been initiated by the former regime in its dying days in an attempt to relieve some of the political pressure around land reform. All of this had to be undertaken within the context of the negotiated political transition, with its associated compromises around property rights¹¹ and the civil service, in a volatile climate of heightened excitement, uncertainty, and fear. The scale of the institutional task was completely unanticipated by the

⁹ The role of tribal authorities had not been finally established either legislatively or politically at the time of the local government elections, as traditional leaders, with the support of the IFP, refused to accept the non-voting role proposed for them on District Councils and argued for full recognition as the designated local government structure in the Tribal Authority areas. The ANC succeeded in postponing finalisation of the matter till after the elections.

¹⁰ This very compressed set of comments draws on interviews conducted in the first phase of research with MamLydia Ngwenya, Mhloti Mathye, and Phumelele Ntombela-Nzimande. For further discussion on these issues, see, *inter alia*, Abrams, 2000; Hassim, 1999; Seidman, 2000, Walker, 2000.

¹¹ Existing property rights were protected in the Constitution in return for agreement to provide for restitution for land rights lost in terms of racially discriminatory laws after June 1913.

advocates of land reform - today, still, the capacity needed to implement land reform and meet political targets appears grossly underestimated by politicians, policy-makers, opinion-makers and the public alike.

It took several years to put in place a new management and establish functional provincial offices under new Directors. (Designing and managing the relationship between the large, relatively well-staffed national office in Pretoria and these provincial offices, chafing to establish greater authority over budgets, staff and policy formulation, have also been difficult; the institutional allocation of posts and responsibilities has still not been finally resolved.¹²) Partly to circumvent the perceived problem of small, institutionally weak and politically uncertain provincial offices, partly to test new policy options, the responsibility to implement land reform in the first few years was contracted out to 'Pilot District Offices'. A 'Pilot Project Area' was identified in each province where new land reform projects could be tested while staff were recruited to the national and provincial offices of the DLA and the national policy framework finalised by a small team of advisors clustered around the Minister. In early 1997 the Pilot Programme was folded into the provincial offices and the *White Paper* was formally adopted as national policy shortly afterwards; it was the culmination of a lengthy process of drafting and consultation, which included a major National Consultative Conference in 1995.

In keeping with the constitutional framework, the *White Paper* sets out a vision of a moderate, market-led programme, with three main 'legs' - land redistribution, land restitution, and tenure security. Modest as the programme tools may be, the *White Paper* regards them as harbingers of major societal transformation:

A sound land policy is one of South Africa's preconditions for the attainment of peace, reconciliation and stability, without which economic growth and secure livelihoods cannot be achieved. Effective land programmes will also contribute directly to increasing production and to poverty alleviation. The White Paper encourages the reader to view our land in this perspective: as a cornerstone in the development of our country (DLA, 1997a: xv).

The *White Paper* also gave prominence to gender equity as a major societal goal and a key outcome of land reform policy, to be achieved through the targeting of women:

Although women play a decisive role in the development of their community, their access to political and economic power is not commensurate with their numbers, needs and contributions. Leadership is often dominated by men who assert that they have their own traditions and culture, and do not require the interfering advice of government officials on how to handle gender relations. ... Section 9 of the Constitution confers the right to equality before the law and the right to equal protection and benefit of the law. ... In relation to land matters, like many other matters, this requires positive action by government. Specific strategies and procedures must be devised to ensure that women are enabled to participate fully in the planning and implementation of land reform projects. Because women generally have less power and authority than men, much more attention must be directed to meeting women's needs and concerns (Ibid: 17).

Redistribution, which was regarded as the flagship of land reform in its first phase, was aimed at poor, rural (black) households and communities with no or insufficient land. Operating within the parameters of the constitutional compromise on property rights, this programme developed a household grant package, through which eligible households could purchase land on the market, using a willing buyer-willing seller approach. The primary grant, the Settlement and Land Acquisition Grant (or 'SLAG' as officials came to

¹² The issue of 'decentralisation' of staff and authority over budgets from the centre to the province and then from the provincial 'centre' to outlying District Offices, which came to be formally recognised as the 'coalface' of land reform, has been high on the departmental agenda since 1998 when a top-level initiative was launched as part of a process of departmental transformation and restructuring. By early 2001 the original initiative had been through several permutations as a result of changes in senior management but the 'final' dispensation was still not in place.

call it) was originally matched to the Housing Grant that had been developed to address the housing backlog in the urban areas. It was set at R15 000 (later increased to R16 000) for households meeting the entry requirements, chiefly, that they earned below R1 500 a month. Most of the early land reform projects were primarily settlement projects, with only limited provision for agricultural or other economic activity on the land in addition. However, over time a range of different 'products' developed under the redistribution umbrella, including grants to establish municipal commonages where poor residents could lease land for grazing or small gardens, and farm equity schemes, through which farm workers were assisted to buy shares in their employers' farming enterprises.

By pooling their grants, groups of households could buy farms (generally with state or NGO help) at market-related prices; the balance (usually only a small amount) could then be spent on preparing a development plan and on limited infrastructural development on the land. Because of the high cost of farm land relative to the household grant, as well as strong social forces supporting group mobilisation of prospective applicants, a major feature of the early period was the aggregation of relatively large numbers of potential land reform beneficiaries into what might be called project (in many cases, more accurately, 'projected') communities. In some cases there were strong historical or leadership ties holding these groups together; in many cases they were held together more by the exigencies of the project design or the aspirations of their leaders than by any compelling social or economic bonds.

McIntosh *et al* (1999: 6) make the interesting point that given governmental incoherence at all levels in the mid-1990s (central, provincial and local) 'the grant and application-based system ... would appear to have been the only real instruments by which land reform could be effected immediately.' However, the lack of an economic rationale behind many projects has been one of the most serious criticisms of the land reform programme in its first phase. A disregard for economic sustainability is certainly apparent in the early land reform projects in KwaZulu Natal where, as is discussed further below, a very strong restitution ethos drove the popular demand for land reform. Comments by the consultants who prepared the 'Agricultural Report' for the Nhlawe land reform project in KwaZulu Natal in 1996 highlight the developmental problems this posed:

... the Nhlawe community intends moving to badly degraded land because of past ancestor ties and the perception that it will be able to increase its wealth through livestock activities while also producing subsistence crops. Evidently, consideration of a number of practical considerations for survival and development ... have not played an important part in the decision making process, or are expected to be provided during the planning of the settlement ... [The consultant] believes that this land reform application will, in the long term, benefit neither the people nor the land. ... both the government department and the NGO involved in the application for a planning and settlement grant, have grossly downplayed the significant constraints that the natural resources pose to the future development of the community. ... the more practical aspects of making a living and the services the government will realistically provide, have not been adequately explained to members of the community (DLA KZN, 1998a, Appendix 1: 15, 16, 17).

However, it is also fair to say that towards the end of the first phase there was a far greater awareness of the importance of ecological sustainability within DLA. The shift towards smaller, more productive and sustainable projects was already underway before the change of policy direction in 1999, as the Chief Director of the DLA's Implementation Branch noted in that year (commenting on the programme since 1994):

The character of the redistribution programme has changed over time, with a shift away from large groups with passive members to small groups with more active involvement. This reflected a tension between quality and quantity in DLA's attempts to respond to the massive needs of previously disenfranchised, disempowered and landless rural people. In addition, distinct project types began to emerge, including commonage and equity schemes, with plans to move into

allocating more resources to income-generating and livelihood-producing projects, such as those targeting small farmers (Levin, 2000: 68).

In terms of achievements, the record is very patchy. Progress in the first few years was extremely slow but began to pick up noticeably in 1998/99. By December 1999 a total of 667 825 hectares of land had been redistributed (DLA, 2000a) while 78 758 beneficiaries were registered on the DLA's redistribution database (Walker, 2000: 47; the figure covers both completed projects and those still in progress). Some gains had also been made in legislating for tenure security for people living under insecure conditions in the formerly 'white' countryside through the Land Reform (Labour Tenants) Act of 1996 and the Extension of Security of Tenure Act (popularly known as ESTA) of 1997.¹³ However, by the end of 1999 the redistribution and restitution programmes combined had transferred only 1,13% of agricultural land to black ownership since 1994 (DLA, 2000a: 47), while arguably the most significant piece of tenure legislation, the Land Rights Bill, which was intended to strengthen the rights of the millions of people living in the former bantustans, had not been approved by Cabinet. (See Claassens, 2000.) Here, the DLA's reluctance to enhance the claims of traditional leaders and tribal authorities to own this land on behalf of rural people presented difficult political challenges.

A 'Quality of Life' study conducted for the DLA's Monitoring and Evaluation Directorate in 1999/2000 was cautiously positive about some of the achievements. Based on a national sample of 1 145 beneficiary households, drawn from 101 projects around the country, it concluded that 78% of participating households in the land reform programme could be classified as 'poor' (falling below the monthly poverty expenditure line) while a little under a half (47%) fell within the 'ultra poor' category (existing on less than half the national average). Thus projects were meeting a key policy objective, to target the poor and the very poor, even if the scale of the programme was very limited (DLA, 2000: v).

The 'Quality of Life' study confirmed that residential settlement rather than agricultural production constituted the major land use in projects - 72% of all individually allocated plots were being used for residential purposes, while less than half of all communally owned pieces of land was being used for farming purposes and over a quarter of such land was described as fallow or vacant (ibid: iv). However, the study also found that about 15% of projects reported an income that could be deemed 'more than sufficient to lift beneficiaries out of poverty' and noted that 'land reform beneficiaries enjoy comparatively high levels of services when compared to all African rural households' (ibid: 138) - 'access to land appears to bring with it access to essential services, thereby bringing improvements to the quality of life of the beneficiaries' (ibid: xi). It concluded on a guardedly optimistic note that 'a properly structured land reform program has considerable potential for productive development and poverty eradication' (ibid: vii).

The available statistics also suggest that women were successfully targeted as participants in the first phase of the redistribution programme, at least formally. In June 2000 women accounted for a respectable 47% of the 78 758 beneficiaries listed on the national database (Walker, 2000: 47). A study by the DLA's Monitoring and Evaluation Directorate, which reported in May 1999, found that women were also relatively well represented on Project Committees. According to this study, the average Trust Committee consisted of 12 members, of whom seven were likely to be men and five women (DLA Directorate: Monitoring and Evaluation, 1999: 13). On the basis of these findings, the Report concluded that 'a foundation has been laid to enable them [women] to actively participate in the land reform programme,' although it also pointed to the need 'to monitor over a period of time whether or not women are retaining their positions within the trust committee' (ibid, 13 - 14). In similar vein, the 'Quality of Life' study found that just over 45% of beneficiaries in its sampled projects were women, and that, at 31% of the total, 'women headed households are at least proportionally represented in the land reform programme.' However, it went on to

¹³ The Land Reform (Labour Tenants) Act aimed to protect the rights of labour tenants on commercial farms; ESTA aimed to strengthen the rights of people living on peri-urban or rural land and to regulate eviction procedures; the Upgrading of Land Tenure Rights Act of 1993 was also amended to protect the land rights of people living on communal land and to mediate associated land disputes.

note 'that male headed households have access to larger plot sizes on average' and female-headed households were even less likely than male-headed households to be using their land for agricultural purposes (ibid: 26, iii, 52). Unfortunately, limitations in the research design (in particular, the reliance on an unproblematised concept of 'household head') hamper the usefulness of this particular study as a window on gender relations within projects. (See Walker, 2000: 48-53.)

By 1999, when the second democratic national elections took place, senior DLA officials were beginning to feel more upbeat about the trajectory on which the land reform programme was travelling. It was clear, however, that the pace of land reform had not begun to match the popular expectations of 1994. In his introduction to a collection of conference papers reviewing the state of land and agrarian reform in mid-1999, just after the new Minister had been appointed but before her new policy direction had been announced, Cousins (2000a: 2) commented on this mismatch as follows:

By mid-1999 the tension between the limitations, on the one hand, and the ambitious goals of these programmes, on the other, had become so severe that a fundamental rethinking of many aspects of policy was clearly necessary. This was widely recognised in the rural sector - despite the significant increases in delivery of land under both redistribution and restitution which were beginning to be evident in the annual reports of the Department of Land Affairs (DLA). It was also clear that senior decision makers in the DLA had begun to confront these issues themselves, partly as a result of self-critical internal reviews, and partly due to continuing critique and pressure from land NGOs and, in part, from rural people.

Land reform since 1999

In retrospect, the first phase turned out to be a brief period. Many of the activists who entered the DLA after 1994 were unprepared for its abrupt end after the second national elections of 1999, although it is possible to see the political trends more clearly with hindsight.

The inauguration of the 'second phase' of land reform has taken place under the auspices of Minister Thoko Didiza, who replaced Derek Hanekom as Minister for Agriculture and Land Affairs in 1999, when President Mbeki took office from former President Mandela.¹⁴ Most of 1999 and 2000 were spent in an often acrimonious process of internal policy formulation within the DLA and the national Department of Agriculture (NDA), where Minister Didiza had served as Deputy Minister for Agriculture before 1999. This finally resulted in the publication of a document setting out the framework for a 'Land Redistribution for Agricultural Development' (LRAD) policy in November 2000. After months in which it had appeared to be the only redistribution programme on the table, it has now been officially designated a sub-programme within the DLA's Land Redistribution Programme (Ministry for Agriculture and Land Affairs, 2000), leaving space open for two other, as yet not clearly defined, sub-programmes, namely, the provision of land for settlement purposes and for 'non-agricultural enterprises' such as eco-tourism projects (ibid: 1). The DLA's 'Strategic Plan' for 2001 - 2002 allocates 70% of the budget for LRAD and 30% for settlement projects, which straddle both rural and urban projects (DLA, 2001:8).

The new policy ties land reform far more tightly than before to the policy goals of the NDA. Driven in part by the inherited focus of the NDA and its technical advisors on commercial agriculture, but informed also by the new class alignments and aspirations described earlier, the major challenge for land reform is now seen as transforming the demographic profile of commercial agriculture, to make it far more representative of the total population. The stated intention is to transfer 30% of agricultural land from white to black ownership over the next 15 years. The disposal of state land has been highlighted as a major

¹⁴ Interestingly, in view of the interest this research has in the role of the women's movement in shaping gender policy, she was formerly an activist in the Women's National Coalition, which was instrumental in securing the commitment to gender equality as a fundamental principle within the Constitution.

mechanism for kick-starting the programme, including, controversially, the possibility of transferring title to these areas to tribal authorities in some cases.

The new objectives are to be achieved through a revamping of the earlier grant system, whereby eligible individuals (rather than households, as in the past) will be awarded grants along a sliding scale from R20 000 to a maximum of R100 000, in order to acquire land. The earlier means test has been done away with. Now the conditions for eligibility are that one is a member of the 'formerly disadvantaged' group (i.e. black, which is defined to include 'Africans, Coloureds, and Indians'), that one makes an 'own contribution' proportionate to the size of the grant awarded by the state, and that the grant is used 'specifically for agricultural purposes' (Ministry for Agriculture and Land Affairs, 2000: 1). The minimum amount an applicant has to contribute in order to access the smallest grant of R20 000 is R5 000, which represents a substantial amount of money for most rural households, equivalent to a year's cash wages for many farm workers.¹⁵ In order to access the maximum grant of R100 000, the 'own contribution' (which could be raised through private financing) has to account for 80% of the total financial package, which amounts to an input of R400 000 from the grantee. The 'own contribution' may be paid in cash or kind; how this is to be regulated to ensure parity and how family labour will be viewed as an 'own contribution' that secures an individual grant have not yet been clarified.

Women have been reconfirmed as a target group, albeit somewhat belatedly and ambiguously. Earlier drafts of the LRAD policy had little to say about women, but the final draft attempts to answer its critics on this score by highlighting the commitment to 'redressing gender imbalances.' It talks, however, of a target of one third of 'transferred land resources [that] must accrue to women,' rather than specifying what proportion of beneficiaries should be women (Ministry for Agriculture and Land Affairs, 2000: 3).

The 30% target for land to be transferred amounts to some 24,6 million hectares in total or an average of 1,64 million hectares a year (Walker, 2000: 57). At six times the amount of land transferred in 1998, the most successful year for land redistribution thus far, this annual average implies a quite extraordinary escalation in the rate of delivery over the next fifteen years compared to what has been achieved to date.¹⁶ If it is indeed a serious target, then it should imply a huge and immediate increase in state budgets, staff capacity and general support for land reform across all three tiers of government. This commitment is, however, not visible. Rather, while the national budget of the DLA is set to increase over the next three years, the actual allocation to the redistribution and tenure reform programmes within the department budget shows a decline from R421,9 million in 2001/02 to R339,5 million in 2003/04. Even more striking, the amount allocated to these programmes for transfer payments (which is the allocation that covers the actual purchase, planning and servicing of land) declines from R305,8 million in 2001/02 to R195,5 million in 2003/04 (National Treasury, 2001: 599, 609). This means that the amount budgeted for transfer payments in 2003/04 is substantially below the R360,8 million spent on transfer payments by the redistribution/tenure reform programme in the 1998/99 financial year (ibid).

In setting its targets it appears that the NDA has dusted off a set of figures first put forward by the World Bank in 1993, when it proposed a 'market-assisted' programme of land redistribution to transfer some 30% of commercial farm land to black households for productive use (World Bank, 1993). Of note, however, is that other more strictly 'welfarist' aspects of the World Bank 'Options' report of 1993, such as an outright basic grant as well as a 'rural safety net' programme for families that are too poor to take advantage of its 'small farmer' option, have not been carried forward. The November 2000 policy document does talk of 'food safety-net projects' but participation is dependent on payment of the 'own contribution' of R5 000. (See Walker, 2000 for an account of the original World Bank 'Options' report.)

¹⁵ According to the 1996 Agricultural Survey, in that year the average annual cash wage for African farm workers in South Africa (i.e. across all provinces) was R4 800 (Statistics South Africa, 1996: 11, 14).

¹⁶ According to a DLA internal report entitled 'Perspectives on the redistribution target of 15%' a total of 273 416 hectares were involved in project approval and transfer in 1998 (DLA, 2000a: 1).

Tenure reform has continued to languish as a programme, indicating both the socio-legal complexity and the political sensitivities of the issues at stake. By June 2001 no progress had been made in finalising land rights legislation for the communal areas. During 2000 new legislation was worked on within the Ministry but it appears that this work has now been scrapped in favour of a revised version of the Hanekom-era draft Land Rights Bill that was formerly shelved in late 1999. According to a senior DLA official, speaking at a land reform conference in June 2001, draft legislation based on this Bill is now scheduled for release for public comment in July 2001 (Sibanda, 2001: 3). It is not clear how the Minister and DLA intend to negotiate - or finesse - the competing interests in this land. At the June 2001 conference the DLA official suggested during his presentation that the original intentions of the Land Rights Bill - to ensure that ordinary rural people were not deprived of their rights in communal land - remained paramount (Research notes, SARPN conference, 4.06.2001). In 2000, however, the indications were that the new framework would be more receptive than previously to the claims of traditional and tribal authorities to become registered owners of communal land, although provision was to be made for a range of other landholding arrangements as well. This was in keeping with Minister Didiza's views that, in disposing of state-owned land in the communal areas, the state should build on 'existing local institutions and structures', both to keep down costs and to ensure 'local commitment and popular support' (Minister for Agriculture and Land Affairs, 2000: 11). The DLA Annual Report for 1999 summarised the position thus:

The proposed enabling framework should enable the transfer of land to tribes, groups or communities where applicable upon request. ... Furthermore, such legislative mechanism would provide for the utilisation of existing tribal, group or community structures to play a role in the land management system. (DLA, 2000b: 111)

Thus, despite official talk of an underlying continuity between the first and second phases of land reform, there are a number of noteworthy distinctions. Firstly, the focus has narrowed. Agricultural development is now the primary objective, rather than the more diffused settlement and livelihoods goals of the first phase, or a programme of rural development more broadly - the National Treasury's 2001 budget report for DLA speaks of LRAD as the 'flagship' of land reform (National Treasury, 2001: 609). As a result, the primacy of the DLA's role in driving land reform has been diminished and that of the NDA enhanced. Rural projects having a settlement focus, as many of the early land reform projects did, will only be considered if 'beneficiaries seek to establish household gardens' (Ministry for Agriculture and Land Affairs, 2000: 9); otherwise they will be redirected towards the Department of Housing. The Provincial DLA director will still be the 'accounting officer' in terms of the Public Finance Management Act 'but should not and must not exercise that authority outside of and separate from the criteria used by the Provincial Grant Committee' (Ministry for Agriculture and Land Affairs, 2000: 10); that Committee will operate under the authority of the 'appropriate MEC'¹⁷ and consist of 'provincial officers of Land Affairs ... as well as officials from the Provincial Department of Agriculture together with other necessary Departments and stakeholders.' Overall responsibility for the design and monitoring of LRAD rests with both the NDA and the DLA (ibid).

Secondly, despite claims to the contrary, the emphasis on land reform for the poorest of the poor has been replaced by an emphasis on black farmers, aspirant and actual, whether at the 'small farmer' or large enterprise ends of the scale. Redress is still strongly emphasised, but it is redress measured primarily in terms of the transformation of the racial character of commercial agriculture, rather than in terms of poverty reduction *per se*. In her Budget speech in Parliament in May 2001, the Minister claimed that those who criticised her department for abandoning programmes that targeted the poor 'have conveniently chosen to ignore the truth' (Minister of Agriculture and Land Affairs, 2001: 1). However, the DLA's 'Strategic Plan' for 2001 - 2002, which was drawn up in March 2001, makes it clear that the poor are not the primary target. Of the seventy percent of the grant budget allocated to LRAD, a mere 2.5% is set aside specifically for 'marginalised communities.' The poverty focus is only marginally sharper for the remaining 30% of the grant budget allocated to settlement projects, where 15% is earmarked for 'marginalised communities' (DLA, 2001: 8).

¹⁷ Member of the Executive Council, i.e. the provincial cabinet minister assigned responsibility for land affairs.

Thirdly, the standing of tribal and traditional authorities as appropriate land-holding institutions in the communal areas has been enhanced, although the final outcome of the fierce political battles being waged over the future role of these structures is not yet clear. Fourthly, while both phases of land reform have adopted a 'demand-driven' approach, whereby the state responds to applications to buy land that is already on the market, rather than itself acquiring land on which to initiate specific projects, the current policy places far more responsibility on beneficiaries and the private sector to drive through applications than in the past. According to the LRAD document, the onus rests with beneficiaries, with or without the assistance of what are termed private 'design agents', not only to identify suitable land that is on the market, but to put together the land-use plan, organise the valuation, negotiate the terms of the sale and obtain agricultural and environmental feasibility reports. The role of 'agricultural and land officers' is described as largely advisory and technical, though they may 'assist' beneficiaries to meet all the requirements for grant and project approval (Ministry for Agricultural and Land Affairs, 2000: 10).

Gender activists believe that the shift in the new grant system from household to individual does, in theory, open up possibilities for women to acquire rights in land that are independent of family and male control; this could benefit those women who have the resources, knowledge and status to apply for such grants. The main concern is that, given the weak economic position and dependent social status of most rural women, only a very small minority of better-off and better-educated women are likely to be able to capitalise on the new opportunities. In a submission to a workshop organised by the Ministry of Agriculture and Land Affairs, a group of six NGOs based in the Western Cape summarised its concerns as follows:

The opening up of the grant ... to individual women means that women's opportunities to benefit from land reform will not be foreclosed when other household members participate in the programme. ... The 'integrated programme' makes repeated reference to 'ensuring' that women participate fully, but no mechanisms are provided to make this happen. ... Why only 30% of the land transferred should accrue to women is an anomaly - this in a situation where women constitute the majority of resource-poor farmers cultivating in situations of insecure tenure in the former homelands. The notion that the majority of participants may - and almost certainly will - be men, flies in the face of the most fundamental principle of land reform: that those who work the land should have a stake in it, a principle which is congruent with our constitution and is economically sound (Centre for Rural Legal Studies *et al*, 2000: 7).

The LRAD sub-programme has yet to be formally launched, so it is too early to assess its impact in practice. In the meantime, a number of serious questions have been raised about its viability and its priorities. Of major concern is that the capacity of DLA has been severely weakened and it will take time for it to return to the functional levels it was just beginning to secure in 1998. This raises sobering questions about the attainability of the ambitious land transfer targets - and the political consequences of failure to match promise to practice. Loss of morale and staffing problems are severe in many parts of the organisation as a result of the institutional turmoil since mid 1999. In the meantime, new implementation systems are being designed from scratch, and the NDA (now the senior partner in the management of the programme) and its provincial counterparts will be very stretched to meet initial demands. According to one Project Manager in KwaZulu Natal, DLA's past experience shows that it takes at least two years to launch a new programme and get systems in place (Interview). As of January 2001 key questions had still not been resolved about the administration of the sub-programme, including how the budget would actually be administered between the DLA and NDA and the legislative underpinnings for this.

Apart from the capacity issues, there are real concerns about the viability of the LRAD programme itself, including how new farmers will manage in a highly competitive, deregulated global market, and what the demand for land for commercial agriculture actually is. Of fundamental concern is that the majority of rural residents - the poor and most marginal, a disproportionate number of whom are women - are no longer the key constituency for land reform in practice, even if formal policy declarations maintain that there has been no change in orientation. Current land reform policy does not address the social and economic

vulnerability of the poor as a pressing priority. As a consequence, government's political authority in relation to the land question becomes itself more vulnerable.

SECTION TWO: DLA'S NATIONAL GENDER POLICY FRAMEWORK

As indicated above, gender activists have generally been critical of DLA's achievements in the first phase of land reform, and are concerned about the prognosis for the second. At the 'Land and Agrarian Reform' conference organised by land-sector NGOs in mid-1999, Hargreaves and Meer argued that 'gender remains on the margins and is not conceived of as a core business of either the DLA or NLC' (2000: 277).¹⁸ They criticised the DLA for not developing more gender-sensitive indicators of progress and for its lack of 'conceptual clarity'. Here they cited the Department's inadequate understanding of the power relations that structure access to land and for the way it conflated 'women' and 'gender' in its analysis (ibid: 266 -7). They argued that part of the problem lay in DLA's reliance on an ungendered notion of 'race', which meant that in practice the socially dominant gender, (black) men, was privileged. They also criticised DLA's continued use of the household paradigm (the paper was written before the new LRAD policy had been developed) and its emphasis on legal mechanisms which they regarded as inadequate for overturning unequal gendered social structures. In their view, neither the DLA nor the NGO sector had a vision of why gender equity was important or what it might look like (ibid: 267).

How valid are these criticisms? In order to answer that question, this research project has considered, first, the formal gender policy of the land reform programme, then, the management of the policy at the national level, and then the implementation of the policy in the DLA provincial office in KwaZulu Natal. This Section discusses five general conclusions that emerge with regard to the national policy framework. The general points made here are amplified in Section Three, which discusses the operationalisation of policy in KwaZulu Natal.

At the national level, the position can be summarised as follows:

- 1) DLA has expressed a strong formal and public commitment to gender equity as a high-level policy goal in key policy documents, including the *White Paper*.
- 2) DLA's formal commitment to gender equity in these 'first-tier' policy documents is not followed through coherently in what might be termed its 'second-tier' policy documents, such as guidelines for project approval and generic consultants' briefs. Here the treatment of the principle of 'gender equity' is erratic and the commitment to women as a major target of land reform is not consistently visible.
- 3) The conceptual tools that have informed the development of DLA's gender policy and guided its implementation are inadequate. There is a heavy reliance on externally derived orthodoxies and formulae, operating at a relatively high level of generality, which do not offer sufficient support to management or field staff in the operationalisation of policy.
- 4) DLA's institutional support for the implementation of gender policy has also been inadequate for the task.
- 5) Finally, there is no serious political accountability by the Minister and senior management around the gender policy goals of the Department, either to Parliament or to the public at large, nor have there been serious political demands made on them in this regard.

¹⁸ NLC stands for National Land Committee, which is an umbrella organisation for various land-sector NGOs around the country and the most prominent national land-rights organisation in the country.

Each of these points is discussed further below.

Gender equity as a high-level policy goal

At the formal level, there has undoubtedly been a very clear commitment to the principle of gender equity as both a guiding principle and a major policy objective of land reform, a position which has been consistently articulated in the major policy documents of the DLA since 1994. In this respect the DLA is well in advance of the NDA. It is also far ahead of the provincial and local government departments that I engaged during the course of this research.

The unequivocal assertion of non-racialism and non-sexism as founding values within both the interim (1993) and the final (1996) Constitution of the Republic of South Africa, as well as the elevation of the 'equality clause' of the Constitution to an overriding principle in relation to other clauses in the Bill of Rights, provide the legal foundation on which this commitment rests. It draws inspiration from the political mobilisation of women as a constituency within the constitutional negotiations and the general legitimacy accorded the principle of gender equality by the architects of the land reform programme by the mid 1990s.¹⁹ The international legitimisation of the principles of gender equity through the 4th World Conference on Women in Beijing, which was attended by a large contingent of South Africa women still celebrating South Africa's transition to democracy, was also important for lending respectability to these ideals and encouraging the ANC government to highlight its progressive gender commitments internationally, as evidence of its status as a leading champion of human rights.

This commitment was articulated in the very earliest documents setting out the policy direction for the new department, including the 'Core Business Plan' of the Land Reform Pilot Programme which was submitted to the Reconstruction and Development Programme for approval in November 1994, and the 'Draft Land Policy Principles' prepared for discussion at the 1995 National Conference on Land Policy. Thus the Pilot Business Plan explicitly addressed the RDP Guidelines for the enhancement of the position of women:

Overall, the elements of the Programme are intended to enhance the material, political, and social status of women. The Framework for Planning requires the involvement of women in positions of decision-making in the Programme, and measures to facilitate access to land and resources are tailored to promote direct benefits to women (DLA, 1994: 8).

The various documents prepared for discussion at the National Conference on Land Policy in 1995 similarly identified 'equal rights in land for women' as a major concern. The 'Draft Land Policy Principles' which were circulated for discussion noted:

Gender Equality. Land Policy and the land reform programme must create opportunities for equal access to and equal rights in land for women. It is necessary to ensure that the programme gives priority to facilitating the participation of women (DLA, 1995a: 3).

The same document identified the 'many laws and customs relating to property rights, marriage and inheritance' as a problem and recommended that an inter-departmental commission be set up 'to review all existing legislation and propose new legislation where necessary' (ibid: 11).

These broad commitments were carried through into the *White Paper* in 1997, which acknowledged the need for more adequate mechanisms to give effect to the principle of gender equity; significantly, it also noted that 'these have yet to be adequately formulated' (ibid: 17). Of note is the prominence given in this

¹⁹ In the early 1990s the hostility of the national liberation movement towards feminism as a western or bourgeois distraction from the primary struggle shifted towards a more nuanced acceptance of the claim that women's subordinate position warranted attention, if not acknowledgment of the idea of a feminist movement as such.

document to the 'international instruments' for promoting gender equity in social development, notably CEDAW and the 'Beijing Platform'. The DLA's 'Land Reform Gender Policy', which was drawn up at this time by the department's newly-established Gender Unit, attempted to give greater content to these commitments. Its wide-ranging 'Guiding Principles' began to identify the various elements that needed to be brought into play in order to turn principle into practice, including planning, data collection, communication strategies, training, legislation and the like.

The commitment to gender equity at the level of overarching policy has been carried forward into the 'second phase' of land reform. Although earlier versions of the new policy were less forthcoming (for which they were criticised by the NGO sector), the final draft of the LRAD Policy document includes a separate sub-section on 'Gender and LRAD', in which the high-level commitment to gender equity and meeting government's 'international commitments' are reiterated:

LRAD provides an excellent vehicle for redressing gender imbalances in land access and land ownership, and thus improving the lot of rural women and the households they may support. The sub-programme will serve as a means of creating opportunities to enable women to develop in numerous spheres of life, thus giving them security against poverty and providing them independent economic status. By ensuring that women participate fully in asset redistribution and agrarian reform, the sub-programme will help government meet its international commitments ... (Ministry for Agriculture and Land Affairs, 2000: 4).

The section notes that the sub-programme must ensure that women are able to participate on an equal footing with men, that women-only projects will be encouraged and that 'altogether not less than one third of the transferred land resources must accrue to women' (ibid).

In late 2000 the new Director General of the DLA was also instrumental in securing a 'Pledge' by senior management which restated the commitment to gender equity at the level of senior management (Research notes, Workshop, 24.10.2000).

Commitments not followed through in 'second-tier' policy documents

The *White Paper* and the 'Gender Policy Document' are what might be termed 'first-tier' policy documents, operating at a relatively high level of general principle and broad goals. One measure of how seriously high-level commitments are carried through into implementation is the way in which policy goals are treated in what might be termed 'second-tier' or middle-level policy documents such as departmental criteria for project approval and project monitoring, generic briefs for consultants contracted to undertake tasks such as project planning, community facilitation and policy monitoring, and training materials for staff. These are documents which begin to operationalise policy, by translating broad commitments into project procedures and general guidelines and standards. They set the parameters within which projects will be approved, funds disbursed, consultants appointed and managers and staff rewarded or penalised for their performance.

At this level - one of the key interfaces between policy formulation and policy implementation - the treatment of 'gender' within DLA documents becomes less assertive. In several key documents the underlying vision of equity and the *White Paper's* intention to direct 'much more attention to meeting women's needs and concerns' (DLA, 1997a: 17) are missing entirely. In others the treatment is erratic, the inclusion of 'gender' not tightly integrated into the primary concerns at hand. 'Gender equity' is an undertaking that gets activated in major policy documents and on formal, symbolic occasions, when the broader transformatory goals of liberation are explicitly remembered. It is not a commitment engrained in the more mundane political consciousness that steers the crucial middle-level policy decisions that give land reform its actual shape and content, nor is it conceptualised in operational terms.

Thus, most graphically, the national criteria for project approval developed by Minister Hanekom by late

1998 - which reflected many of the lessons learned by then about the problems of very large projects and the need to attend to long-term sustainability - employ gender-neutral language in such a way that the commitment to targeting women is entirely submerged. In determining whether to approve and then 'designate' projects identified by the provincial offices or send them back, the Minister was guided by language in which gender awareness has been erased. His terms of reference specify 'landless people', 'unemployed people', 'the group', 'beneficiaries', 'community', and the like, but never 'men' or 'men and women' or 'women' on their own as a special target group. (The criteria are set out in Levin, 2000: 68-69.)

There is nothing here that overtly contradicts the commitment to gender equity and to targeting women (who, of course, number prominently among the landless and the unemployed). However, there is also nothing to force the first-tier gender commitments into consciousness and demand explicit accounting of how men and women are placed within the project, to ensure that women's inclusion is, if not a precondition, then an important consideration, either at the ministerial level, where submissions are approved, or at the project management or planner level, where projects are selected and prepared for submission. There is thus nothing that ensures that the gender policy commitments are active reference points in implementation, so that if a project does not have many women beneficiaries or women are only present in a marginal or indirect way, further questions will be asked and the project returned or justifications required before it can proceed.

In generic consultants' briefs the level of gender awareness displayed is erratic. In some cases, as the case studies in Section Three will illustrate, gender policy is invoked, albeit cursorily, and the problem lies further down the road, when failure to address the policy in the implementation of the brief is not dealt with by management. At Mahlabathini, for instance, the DLA's 'Consultant's Brief' identified tenure security for women as an issue of 'specific concern', but the consultants who prepared the Development Plan did not make any proposals in this regard, nor did DLA require them to attend to this oversight once they had presented their Report. In other cases gender awareness is not present at all. Thus a draft 'Consultants Brief' prepared for the Nkaseni Community Property Association (also in KwaZulu Natal) did not list the Land Reform Gender Policy document among the 'relevant national and provincial ... standards and policies' that the consultants were expected to consult, nor mention women as a special target group (DLA KZN, nd, c 1998/99: 3).

It is a familiar problem, as Harrison's account of the Food and Agricultural Organisation (FAO) in the mid 1990s indicates:

The commitment to gender analysis only rarely becomes gender-sensitive practice. More frequently it is translated into 'targeting women' and gradually exchanged for the practical exigencies of project reality (1997: 61).

Inadequate conceptual and operational tools

This leads on to the next point - that the failure of middle-level policy to develop a clear set of requirements around promoting gender equity reflects a failure in DLA to conceptualise gender adequately, in ways that can be operationalised at project level.

Nobody in DLA appears to have any difficulty in understanding and formally (if not necessarily wholeheartedly) accepting that women are discriminated against; that leadership in rural communities is likely to be male; that men and women perform different tasks in households and communities and that these are differently valued; that women are the victims of gender-specific violence, and that women are over-represented among the poor, the very poor and the landless. The statistics are there for all to see, as are the visibly gendered arrangements of life in rural communities. While some officials may privately support these arrangements as natural or desirable, few would feel free to express such views publicly within the department - to this extent, the first-tier principles have succeeded in legitimating the discourse of gender equity within the DLA.

Where problems begin to set in is in translating general truisms into operational tools. Very little work has been done to concretise 'gender sensitivity' in checklists and guidelines for staff and consultants, to assist people working at the project level and managing consultants. 'Gender participatory methodologies?' exclaimed one planner I interviewed. 'It's Greek!'

With regard to training, the DLA's Gender Unit has taken steps to highlight gender equity as a key value in internal departmental training materials. However, 'gender policy' tends to come across as an add-on to the main purpose of training. For instance, the treatment of gender in the 1999 land reform training course developed for DLA staff in the Northern Province exemplifies the pervasive gap between policy and practice. The first section of the course manual, entitled 'Why do we need land reform?', has a strong social redress focus and includes reference to the DLA's Gender Policy of 1997, the Constitution and the 'international instruments'. The manual also includes a section on interventions in support of gender equity, drawn from the Gender Policy document (which is reproduced in the manual). This specifies that 'women should make up not less than 50% of every decision making structure of an association' and highlights the importance of a communication strategy, the disaggregation of data by gender, and gender-sensitive methodologies in the project cycle:

Gender-sensitive participatory methodologies are vital, emphasising that gender training and information involves women and men' (DLA, 1999a: 5).

However, although gender training is described as an integral component of the training, the course manual itself fails to integrate it into the sections dealing with the nitty-gritty of land reform implementation. How does one set about achieving 50% representation of women in a given project? What practices and techniques can one draw on in initiating gender-sensitive methodologies in the project cycle? The training manual is silent on the guidelines that could apply. The need for gender-disaggregation of data, which is highlighted in the section dealing with Gender Policy (Section 6, page ten), is overlooked in the section that sets out the steps for DLA officials to follow after an initial request for land from 'the community' (Section 2, pages 9-10). Here, under 'Information Required', only the following are indicated:

An assessment of the land needs of the community, brief history and current status
An approximate number of members
Steps already taken by the community to address their land need:
- have they registered a claim?
- have they tried to identify land?
- other? (DLA, 1999a: 2-10)

Similarly, the section on the Land Acquisition Grant identifies those eligible for the grant simply as 'households', without attempting to reconcile this with the assertion that women must be 'afforded the opportunity to promote themselves' found in the 'Gender Programme' section of the manual, or to alert the trainee both to the variety of arrangements that are covered by the term and to the risk that an uncritical use of the household model could obstruct the full participation of women in projects (ibid: 2-8, 6-4).

The DLA's Gender Policy documents also provide very little in the way of concrete suggestions about what to do within the constraints of the project cycle, the budget and the pressure to deliver, that will advance the general commitment to gender equity and empower women in a given project to receive an equitable benefit from the state's redistribution programme. Where there are guidelines, they tend to be very broad, with little acknowledgement of the time and resource constraints on planners in the field, or consideration of the limitations of land reform as a mechanism for broad social change. Thus in a document entitled 'Proposed Approaches to Integrating Gender into Project Cycles', planners are referred to eight tools for analysing gender relations, which require an analysis of 'all work done in the community and its true value' as well as of the way in which the project will 'contribute to the transformation of gender relations and contribute to the transformation of relations between the disadvantaged and the advantaged.' Tool Four

('Influencing factors') directs the planner to 'chart the factors which affect the gender differentiations identified in the profiles':

Identifying past and present influences can give an indication of shifts and trends for the future. ... Understanding past and present influences on gender relations can give insight into future constraints and opportunities for affecting social change in general, and gender relations in particular (DLA Gender Unit, nd: 6).

The general exhortations to ensure that gender equity is advanced are experienced as unhelpful, even onerous by many staff, especially men, who tend to feel defensive or insecure because they fear that any criticism of the policy documents will be interpreted as resistance to the policy itself. A Project Manager expressed the need for operational support thus:

Between the 1996 document and the one I received a month ago there has been no progress in the development of policy. What are the clear mechanisms? Give them to me and I will implement. We are still at the workshop and T-shirt phase and that's my irritation with it (Interview).

Another Project Manager at the provincial level expressed it thus:

Gender is always a problem. It always operates at a theoretical level. Nobody has made the shift to how to do this practically (Interview).

Most of the policy literature produced by the Gender Unit operates at the level of general 'theoretical' statements and normative prescriptions. It is abstract and confusing - the task is to change both men and women, yet it is to target women. It is here that the tendency to conflate 'gender' and 'women', pointed out by Hargreaves and Meer (2000), begins to make the task even more difficult. 'Gender' operates as a fuzzy code word that in everyday parlance has come to mean, in some imprecise way, 'women'. This is particularly true among project staff - in the words of one male Project Officer, 'Gender issues are about women, women's empowerment' (Interview). However, the slippage can also be seen at work in the Gender Unit's own documents, operating alongside and undermining the careful account of gender as referring to 'the social roles allocated respectively to women and men in particular societies and at particular times.' Thus in the same glossary of terms in which this definition appears, 'practical gender needs' are identified solely in relation to women, as referring 'to the needs identified to help women cope better in their existing subordinate positions' (DLA Gender Unit, nd: 4).

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

Harrison (1997), cited above, is critical of the shift from gender analysis to a focus on women as the problem, the target and the solution in project planning and implementation. This, along with the way in which 'gender' and 'women' are regularly run together, is a common complaint in the development literature. My point is somewhat different. Targeting women as a consequence of 'gender analysis' is not the problem. In practical terms, what would a focus on 'gender analysis' in land reform in South Africa produce if not a recognition of the subordinate status of women as a social category and the need to address the weak bargaining position of most women around the allocation of land rights and benefits as a result? Rather, the problem lies in not making the general exhortation to promote gender transformation more specific, nor thinking through when and in what way policy interventions should be geared towards

women and when they should not. (Failing to recognise the limited impact such single policy interventions will have on deeply embedded social relations in land reform communities is another, linked problem.)

Conceptual fuzziness leading to muddled directives can be clearly seen in the Gender Unit's uncritical adoption of Maxine Molyneux's highly influential formulation of the distinction between 'strategic' and 'practical' gender needs. Molyneux's schema was first developed in 1985 in an analysis of the women's movement within Nicaragua; she herself has noted the 'curious' history of her formulation:

... what began as an attempt to render the discussion of interests more sensitive to the complex issues at stake, ended up as an over-simplified model which was sometimes applied in such a schematic way that the usefulness of thinking about women's interests at all was, for some, put in considerable doubt (Molyneux, 1998: 75).

It would be an interesting exercise to trace the route through which this formulation arrived as a theoretical truth in the DLA literature, because it might throw some light on the influence of the international discourse on gender on national policy. In the DLA policy material the distinction between strategic and practical needs (rather than interests) appears, in the abstract, as a distinction between good practice and bad practice. Practical needs 'are related largely to welfare and do not challenge the existing division of labour or the subordinate position of women in society;' addressing women's strategic needs, on the other hand, 'expedites women's empowerment and facilitates the fundamental social transformation necessary for the establishment of gender equality' (DLA Gender Unit, nd: 5). Thus the Land Reform Gender Policy document describes the task at hand as 'empowering women [in] their position relative to men in a way that will benefit and transform society' rather than seeking 'to increase women's efficiency in their existing roles by making more resources available to them' (DLA, 1997: 3). In adopting this position, DLA downloads another theoretical truth from the international literature, that of the distinction between a 'Gender and Development' (GAD) and a 'Women in Development' (WID) approach:

The proposed policy is in line with the GAD²⁰ approach. It is therefore recommended that the sub-directorate responsible for this policy use 'gender' and not 'women' as its focus (ibid).

There are several problems with DLA's approach to the practical/strategic continuum. Apart from the danger that an unreflective GAD approach is likely to render women indistinct in practice, as already discussed, there is also insufficient analysis of what the specific contribution of land reform in general and the DLA in particular may be, in facilitating the fundamental transformation of gender relationships that is presented as the goal. How important is land for this compared to other resources, such as access to jobs or education or health services or reform of discriminatory laws and customs? Then, given that the function of the DLA is to deliver land and not these other services, what type of land, what type of project, would best empower women and advance the goal of gender equity? These are not questions that are asked.

The DLA and its Gender Unit have also not thought critically enough about the relationship between their own high-level account of 'strategic gender interests' and official practice in the field and how each reflects on the other. As the following Section on implementation in KwaZulu Natal will illustrate, in projects DLA planners tend to focus on what, according to the practical/strategic schema, would be classified as practical gender interests for both men and women, such as water supply for irrigation or domestic consumption, fencing, and improved road access to the newly acquired land. Thus to the extent that the DLA's Gender Policy is carried forward in the field, it is more likely to follow a 'Women in Development' than a 'Gender and Development' approach, even though the latter is officially promoted as 'better'. Why is this happening? Is it in fact a problem? Is the Gender Unit seriously meaning to suggest that these very

²⁰ 'Gender and Development' which focused on the need to transform gender relations in order to achieve gender equity as opposed to the 'Women in Development' approach, which focuses on how to advance the position of women within an essentially unequal gender environment.

basic service needs should not be funded?

Part of the limitation of the Gender Unit's advocacy work is that the distinction between strategic and practical interests is not understood politically. There is little sense of gender policy being a political intervention, requiring an analysis of 'the strategic' at a political and not simply a 'theoretical' level, on the ground, in actual projects. In many cases it may be appropriate to focus on 'practical needs'. Far from being in conflict with the empowerment of women in relation to men, organising successfully around a concrete need that women have identified (for instance, prioritising the supply of domestic rather than irrigation water in the planning budget) may enhance their standing and improve their capacity to engage in other types of activities in the community. The very process of debate about competing 'practical' needs may, depending on how it is conducted, shift how gender relations are perceived and acted upon in different communities.

The DLA's uncritical reliance on externally derived orthodoxies and formulae, such as the derivative 'practical/strategic' hierarchy, hinders critical reflection on the experience of implementers and on South African conditions. 'Theory' is presented in training and policy documents as something static, given, already approved, which comes from experts, who tend to be foreign. It does not have a dynamic relationship to practice, to what is happening in land reform projects, to what people - women, men, elders, youth - say and do. Far from being progressive, the gender 'theory' informing DLA policy is in many ways an example of hierarchical thinking, of passive carrying out of received wisdom. There is little to encourage the official to test different approaches, to develop confidence in her or his judgment, to reflect on what has worked and what has not, above all to demystify 'gender' and to make the task less rather than more intimidating.

This says something about the double-edged power of 'international instruments' in national policy development. Although they have been important in legitimating a discourse on gender equity within the DLA, they come with - or are received as - bringing ready-made solutions to pre-given, already analysed problems of inequity and subordination. At project level this is not helpful for officials. The authority international expertise carries also points to a deeper uncertainty within the Gender Unit, and DLA and beyond, as to what a 'gender-sensitive' society might look like; this, too, can be an unacknowledged inhibition on action. Is it one where men and women perform the same tasks interchangeably? Is it one where men and women perform different tasks, which are equally valued? Or is it some organic variant of both or of other possibilities? Is it one imposed from the outside or one that grows out of the conditions of those whom policy is intended to benefit? How much can and should gender policy constrain or advance the choices that land reform beneficiaries make about how their land is to be allocated and managed? As one KwaZulu Natal official noted:

Gender is not only a DLA project. It is a whole social engineering project. DLA's intervention is for a short time. Is there a culture for this? Who supports it? (Interview).

Institutional weaknesses

The above discussion also points to limitations in the way in which the Gender Unit has been set up and loaded with the huge responsibility for seeing that 'gender' is 'done' within DLA. The establishment of the Gender Unit within the then Policy Branch of the department in late 1996 was intended to strengthen the department's gender commitments (DLA, 1997: 26). The Unit has certainly succeeded in making gender policy more tangible, taking the lead in formulating the gender policy document of 1997, initiating gender training modules for staff, running various workshops to heighten gender awareness within the DLA, as well as commenting on general policy development. However, in addition to the conceptual problems described above, the Gender Unit has also been handicapped by its weak institutional position relative to the large policy responsibility with which it has been tasked. While the commitment to gender equity has been made at the highest level, and there is agreement that it should be 'mainstreamed' within general land reform policy and practice, yet the responsibility for seeing that this happens has come to rest (as is

so often the case) with a small, under-resourced unit, with relatively junior staff, who have little experience of land reform in practice, or authority over other sections, or clear lines of accountability to either policy makers or implementers within the department.

It is a recurring difficulty in designing the institutional location for gender policy work. While the general talk is of the importance of mainstreaming gender, yet a specialist unit is important to see that this is done and to see how this is done. The problem then becomes where to locate such a unit and how to ensure effective interaction and coordination with other components of the bureaucracy. The challenge is compounded by the general difficulties associated with managing the policy and implementation responsibilities of large bureaucracies which straddle national, provincial and district offices.

Gender Unit staff have highlighted their structural isolation from policy formulation, as a separate sub-directorate, and expressed frustration at their marginalisation in the policy process. They complain that in the past they have only got to comment on general documents when they are already relatively well developed, and have thus been able to make only a limited, largely editorial contribution to the formulation of general land reform policy (Interviews). On the other hand, a number of DLA officials have expressed reservations about the capacity of the Gender Unit itself, and the way in which it has gone about its business. One common criticism has been that its staff have little experience of implementation and have not made or been required to make sufficient effort to overcome that handicap by interacting with projects and project staff in the provinces. A senior official in the national office commented:

The debate around issues of gender and land reform do not identify the right problem. It is not a policy problem. The focus should be on how to strengthen women in a practical way so that they can make use of the opportunities. ... We haven't found a discourse that moves it [the debate] forward ' (Interview).

In late 2000 staff in the Gender Unit were positive about a proposed relocation to a new Policy Unit that was being set up within the Director General's office, as part of a larger process of restructuring within the DLA national office. They believed this would place them closer to the centre of power and enable them to impact more effectively on policy formulation at its source. It is doubtful, however, that this move will serve to build better links with implementers in the provincial offices, or, in itself, lead to new developments in the way in which the task of promoting gender equity in land reform has been conceptualised to date.

Little political accountability for gender policy

The final general point to make in this assessment of the national framework is that since 1994 there has been little serious political accountability for DLA's gender policy goals by the Minister for Land Affairs and DLA's senior management. Land Reform was conceived, in essence, as a programme of redress aimed at overturning the huge racial disparities and injustices in the land dispensation, and this has shaped the terms of the political debate.

Thus the annual reports of the DLA to Parliament do not report on gender targets and few questions have been asked about performance at this level. The primary concerns of the Parliamentary Portfolio Committee on Land Affairs have been with the DLA's budget, particularly the reasons for repeated under-expenditure, and with overall progress, measured in ungendered macro-statistics. Outside of Parliament, progress towards empowering women and enhancing gender equity through land reform has not been subjected to serious scrutiny nationally, apart from the questions raised from time to time by gender activists within land-sector NGOs. What this reflects is the weakness of the women's movement, particularly with regard to rural women and rural issues, as well as the political primacy of the struggle to overturn the racial inequities of the past, along with its associated class politics. The Commission on Gender Equality has not intervened in the debates around land reform, despite the fact that rural women are one of its primary concerns. DLA has contributed to the compiling of South Africa's national report to CEDAW. However, this is best understood as an example of the lofty level at which gender policy operates

most comfortably - it is more important for the government to report on commitments to gender equity in specialist, international fora than to constituents at home.

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

SECTION THREE: IMPLEMENTATION OF DLA'S GENDER POLICY IN KWAZULU NATAL

This Section describes the way in which gender policy has been managed in KwaZulu Natal, within the provincial office of the DLA and in the three land redistribution projects chosen as case studies. In order to understand the context for this, it is necessary to begin with a brief overview of the development of the land reform programme in the province.

Land reform in KwaZulu Natal since 1995

The Pilot Programme

In 1995 the provincial office was based on the old Department of Land and Regional Affairs in Pietermaritzburg, with a staff of seven (Marcus: 1995: 34), of whom only one was a fulltime planner in the field. The KwaZulu Natal Land Reform Pilot District was launched by President Mandela in March 1995 with a budget of R35m., of which about one third (R11,3 million) was for land acquisition, survey and transfer costs (DLA, 1995b: 4). The Pilot District Office was set up in the small town of Estcourt and staffed by a contracted NGO/consultancy by the name of Lima, while the Provincial Department of Agriculture (PDA) chaired the inter-departmental Land Reform Steering Committee that was established to manage the Pilot Programme.

The area chosen for the KwaZulu Natal Pilot District, that of Weenen/Estcourt in the Natal Midlands, exemplified many of the conditions that the land reform programme was set up to address. The area encompasses both commercial farms and former (KwaZulu) bantustan areas, the latter characterised by 'widespread and endemic' poverty, to quote from a socio-economic study of the Pilot District (Marcus, 1995: 16). 58% of the economically active population in the Pilot district were not in formal employment when the study was conducted (ibid, citing Cross *et al* 1995). Only about 44% of the population was functionally literate, with a fifth of the adult population having had no formal education (ibid: 15). 54% of the people in the economically active age group were found to be women, and just under one third of households were 'normally' headed by women (ibid).

The Pilot District is also characterised by a 'deep rural' consciousness and social conservatism, evidenced in strongly traditionalist social values, including around gender roles and relationships. For the most part women are located firmly within patriarchal and patrilocal households. The Chairperson of the Community Trust in Mahlabathini (one of the case study projects discussed further below) expressed these values particularly starkly during an interview:

I am the manager of my household. I have knowledge about a number of things. Therefore I don't want my wife getting involved because she might fumble and mess things up. ... A woman will do things in a female way and mix things up, but the man will be held responsible should there be a problem. When police come, they ask for the man. Women should follow their husbands (Interview).

The social and agrarian history of the district is marked by conflict and extreme social divisions, in which land conflicts have played an important part. The deeply scarred patterns of contestation over land, territorial boundaries and labour stretch back to the mid 19th century.²¹ They involve not only conflict between black landless or land-hungry communities and white landowners, but also clan-based violence

²¹ This history is fascinating and important for understanding the dynamics of land reform in the district but impossible to summarise here. I am not aware of any major social history of the region; Clegg (1979) and volume 4 of the SPP Reports give some insight into land issues in the twentieth century to the early 1980s.

within black communities, most fiercely in the Weenen and neighbouring Msinga districts; this has often been triggered by disputes over land. (See Clegg, 1979, whose study looks at the connections between land hunger and clan violence.) The Weenen district was one of the first magisterial districts in the province in which labour tenancy was abolished in the 1960s, under the apartheid government, resulting in the eviction of up to 20 000 black people off white-owned farms between 1969 - 1972. Many of them were dumped in rudimentary resettlement camps close to their former land, in the neighbouring KwaZulu district of Msinga. (See SPP, vol 4.) Research done in the Pilot District in 1994/95 identified farm workers and labour tenants still living on white-owned land, as well as evicted farm workers and labour tenants in resettlement areas, as a major category of potential land reform beneficiaries. Of all the potential stakeholders that were canvassed, this group reported the highest interest in acquiring land through the land reform programme (Marcus, 1995: 19).

The Pilot District had a high profile in land reform circles in the early 1990s, because of the intensity of its land and labour disputes and a history of NGO activism around land issues going back to the 1970s - AFRA, the leading land-rights NGO in the province, had its genesis in this area in 1979. The Weenen/Muden area was a particularly volatile and tense part of the District, characterised by hostile relations between farmers on the one hand and farm dwellers and claimants in the neighbouring districts of KwaZulu on the other. These tensions played themselves out in a cycle of land invasions, stock theft, harsh labour conditions on farms and, periodically, murder.

The history of evictions and territorial conflicts in the Pilot District gave a very strong restitution dynamic to the KwaZulu Natal redistribution programme from the start. Instead of lodging land claims with the Land Claims Commission (which opened an office in the province in April 1995, a month after the Pilot District was launched), many ex-labour tenants and farm workers in the Pilot District chose instead to work through the more accessible Pilot District Office, to use the redistribution programme to return to the land from which they or their forebears had been evicted.²² Groups who had already decided on their land channelled their applications through an active local community structure, the Weenen Peace and Development Committee, which had been formed by local community leaders to lobby for land reform and the rights of the black rural poor in the district and used its mobilising power to broker land sales between beneficiaries and landowners.

Newly appointed Pilot District officials felt the push for people to return to what they regarded as their ancestral land was unstoppable, even when development prospects for the proposed land were poor (as in the case of the Nhlawe project cited earlier). One DLA official who had worked for the Pilot Office described the process whereby projects were identified in the Pilot phase as intensely demand-driven (Interview). The official also noted that there was a constant debate within the Land Reform Steering Committee about the economic and environmental sustainability of projects in the longer term, especially with officials from the provincial departments of Agriculture and of Local Government and Housing. However, many of these officials were looked upon with suspicion by the new recruits to government in the DLA as representatives of the 'old guard' (bureaucrats from the apartheid era), while concerns about longer-term prospects for development were over-ridden by the force of popular demand as well as the moral and political legitimacy of black people's claims for redress for the injustices of the past. Tensions were high, land invasions a constant threat, violence never seemed very far away and there was very little space (or it was felt that there was very little space) for careful screening of projects, or for consideration of longer-term developmental objectives:

Even in problematic projects, one would struggle to say how it could have been done differently at

²² While (patrilocal) ancestral ties operated as a major pull, the tight identification of particular clans or groups of people with particular pieces of land historically also acted as a push factor. Most people would not consider alternative land that might be economically promising and formally available if they knew it was regarded as ancestral land by some other group of people, because they also knew that they would be seen as interlopers on that land and would not be able to feel secure there.

the time ... We addressed the need that was expressed at the time. We could have done better by looking at long-term development plans, but that was not in place at the time and it was not DLA's role at the time (Interview).

Conditions in the Pilot District thus made it highly suitable for a land reform programme geared towards poverty alleviation, redress and reconciliation, as well as the promotion of gender equity. However, the prevailing conditions also made it an extremely difficult working environment in which to test the new policy and design new procedures. The intensity of conflict over land and land claims imbued land reform in the district with a sense of urgency and an atmosphere of constant crisis, which worked against methodical planning. With its limited resources and slow, bureaucratic project application and approval process, the Pilot programme struggled to keep up with the huge demand that the launch of the land reform programme unleashed, initially for land but very quickly for service development as well. The failure to provide even basic services to these early projects has continued to be a source of major criticism and discontent:

The problem was, people got their land but nothing was done after that. People were just sitting. There were no service providers coming after that. People were just sitting in isolation (Interview, Lima field worker).

Nevertheless, despite disagreements about how to rate the achievements, people from different sectors who were active participants in this early phase agree that one of the key achievements of the Pilot programme was to reduce levels of conflict and thereby lay the foundation on which longer-term development could begin to be imagined in the District. In the words of another Lima official:

There was so much heat and pressure and hatred that existed when the Pilot started in 1995. It had to be a pressure valve release, there had to be a substantial movement of people ... (Interview).

Even a member of the Weenen Peace and Development Committee, who was generally very critical of DLA's record in the Weenen/Muden area (particularly the length of time taken to transfer land and put minimum infrastructural improvements in place), concedes that the extreme racial tensions of the early to mid 1990s have eased, and that this has to be regarded as a positive outcome of the Pilot project (Interview).

Development of the provincial office

In 1996 new management was put in place in the provincial office and in March 1997 the Pilot programme was absorbed into the work of the DLA. From about 1998 a more stable office environment prevailed and attention shifted at the provincial level to opening district offices and negotiating 'transfer agreements' with the local Regional Councils, to take over budgets and infrastructure delivery in land reform projects once land had been acquired and transferred to the beneficiary communities. The KwaZulu Natal office has played an active role in developing national policy on using the local Regional (now District) Councils as implementation agents, working to build relationships with these new structures and negotiate the mechanisms for budget transfer agreements with them. This has proved an enormously time-consuming task - in the words of one Project Manager, 'Time being spent on relationship building takes away from "delivery time" for the DLA, although it is important' (Interview). While national government sees local government as the most appropriate location for land reform delivery, which needs to be aligned with local 'Development Objectives' and district-level plans for service provision (schools, clinics, water reticulation systems etc), the capacity of the District Councils and local municipalities to take on these responsibilities is in serious doubt. (See Walker, 2000 for a fuller discussion.)

The development of the provincial DLA office was accompanied by a rapid growth of staff to a total of 75 posts in 1998, across both the main office in Pietermaritzburg and four district offices that were opened

around the province (in Ladysmith, Vryheid, Port Shepstone and Richards Bay) (DLA KZN, October 1998). This growth in capacity was supported largely by donor funding, which was used to employ people in a proliferation of new, contract positions for planners with project implementation responsibilities. The non-availability of permanent posts for much of this work is a consequence of government policy to reduce the size of the civil service (in line with GEAR), which has had negative consequences for the efficient implementation of the land reform programme. Most of the field capacity in the KwaZulu Natal office in the past few years has been provided by relatively junior staff, on short-term contracts, paid for by foreign donor agencies. This has made it difficult to develop a cadre of mature, well-motivated and experienced officials at the point where land reform actually takes place, in the field. In late 2000/early 2001, when this research was being conducted, there was considerable uncertainty about the future of donor funding and of how many contracts of key district staff would be renewed, which was adding to general stress levels and compounding the ordinary difficulties of planning work programmes.

By October 1998 the provincial office had a total of 186 land reform projects on its books, of which just over half (99) were redistribution cases (DLA KZN, 1998). The next largest category of projects (54 projects, 29% of the total) involved tenure security (ESTA and labour tenant) cases. There were also 27 'state land and tenure' cases (14,5% of the total), along with a handful of inherited restitution cases (six in all).²³ (These figures exclude the thousands of land claims - well over 14 000 by the end of 1998 - being handled by the office of the Regional Land Claims Commissioner.) Of note is that while the redistribution programme had the largest number of projects, 55% of the total number of households involved were located in state land projects (24 561 out of 44 288 households). Redistribution had 38% of the total, or 16 898 households. State land projects also involved by far the most populous projects, with 910 households per project on average. (A single project in the Northwest district involved 8 500 households.) ESTA and labour tenant cases were much smaller, sometimes consisting of only one or a very small number of households. At that stage, four years into the new order, the great majority of land reform projects in the province (62%) were still in the preliminary phase of project identification and pre-planning. Only 15, or 8%, were in the final 'implementation phase' of the project cycle, meaning that the land had been transferred to the beneficiaries and the detailed planning for their resettlement had been completed (ibid).

By June 2000 the total number of redistribution projects stood at 132. The throughput had picked up, with land transfer having taken place in 47 projects (36%), involving a total of 158 089 hectares and 6 087 households (DLA KZN, 2000: 5). A further 20 938 hectares had been transferred to an additional 2 084 households through tenure reform and the disposal of state land, to make a land reform total for the province of 179 027 hectares transferred and 8 171 beneficiary households (ibid: 5). The land transferred amounted to 4,4% of the area designated as 'farming units' in KwaZulu Natal in 1996 (Statistics South Africa, 1996: 5). These figures suggest both the large workload being carried by provincial staff (at any one time individual field staff were generally stretched across several invariably complex projects) as well as the enormity of the delivery task that had yet to be met in terms of national targets and popular expectations.

Another important feature of land reform in the province has been the pressure applied by *amakhosi* to channel the implementation of the programme through tribal affiliations and their Tribal Authority structures. As noted already, in KwaZulu Natal land reform has been particularly politicised, across all programmes, around the rights and responsibilities of *amakhosi* to represent people in redistribution applications and restitution claims and also to hold or control the land that gets transferred to beneficiaries. The *amakhosi* are the rural power base of the IFP, the dominant political party in the province's coalition government, and this political dynamic has impacted on both the pace and scope of land reform. The provincial office has attempted to walk a difficult middle ground between national and provincial political imperatives. One of the difficult legacies the provincial office inherited from the former dispensation was an ambiguous set of commitments over land to the *amakhosi*, including those who had no territorial base

²³ It should be noted that the official figures are not consistently presented in the DLA reports, so comparisons between years are hard to make and there are some confusing discrepancies between some of the figures.

and hence looked to land reform to meet their claims for land and, through that, for legitimacy as traditional leaders (DLA, 1999: 141). A 'Briefing document' prepared by the provincial office in 1999 described the challenges thus:

... the land reform programme in KwaZulu-Natal has been confronted by a pattern of land demand that not only has its roots in apartheid policy, but also stretches back into colonial and Zulu history. ... Certain Amakhosi have made strong demands on behalf of large groups for farms for settlement purposes with the explicit intention of re-establishing tribal territories (DLA KZN, nd (1999): 3).

In the first few years of land reform these demands rubbed strongly against the grain of the evolving national policy within the DLA and the Ministry, which aimed to secure land ownership and land rights directly in the hands of land users rather than mediated through traditional institutions. The Provincial overview in the DLA's 1998 Annual Report reflected on some of the associated difficulties:

... the establishment of a pattern of land reform that provides for large tribal settlement areas ... is highly reactive in nature, and attempts to deal with applicant demand. The demand for additional land in many instances relates to groups caught up in conflict and violence or threats of violence within tribal authority groups. ... The current provincial context has not shifted significantly over the past five years. The same issues of conflict and political contestation; undefined roles and responsibilities of the various tiers of Government; and lack of clear vision for implementation of the development framework at provincial level, still exist. ... For the Provincial Office, the challenge has been to address huge land needs and historically generated expectations from tribal groups in particular, within an undefined provincial framework; while at the same time attempting to shape programmes in line with national policy shifts which are sometimes in conflict with the realities experienced in the Province (DLA, 1999: 142).

Implementing the new policy direction

The moratorium on redistribution projects introduced by the incoming Minister in 1999 introduced considerable uncertainty about how to proceed with the large number of projects already in the pipeline by then. This put a severe brake to the redistribution programme at a time when many in the provincial office felt it was just beginning to take off. In the meantime the provincial Department of Agriculture started work on establishing a unit to plan the new LRAD programme and the way forward. The provincial DLA has been engaging with this unit at the management level in an attempt to clarify their mutual roles and responsibilities and to see how DLA views can be incorporated into the process. In keeping with its poverty focus, the KwaZulu Natal office of the DLA decided in late 2000 on a 60/40% split in its budget allocation for the new grant between projected 'food security' and 'commercial' applications (Interview). However, this is not national policy and it is not yet clear how this approach will be taken forward in the new Provincial Grant Committee that is being set up to manage applications, nor what the level of popular demand will be for the new grant programme in the province.

In March 2001 a newspaper report spoke of May 2001 as the official launch date for LRAD in KwaZulu Natal. It also reported that 36 000 hectares of land had been identified for farmer settlement in the province, involving a number of pilot projects which would benefit 'several hundred' people (*The Independent on Saturday*, 24.03.01). In June 2001 a spokesperson for the DLA stated that the official launch date for the sub-programme nationally would be July 2001.²⁴

²⁴ This date was given by S Sibanda, a Director in the DLA, while speaking to a conference paper he delivered at a workshop organised by the Human Sciences Research Council in Pretoria, 4 June 2001.

Gender equity in the programme

The intense demand-driven nature of the land reform process in the Pilot District meant that in the first few years of land reform little attention was paid to concerns about gender equity and women's empowerment in the province. The Pilot Office responded to already constituted groups, which were reflective of existing power relations within beneficiary communities, including those between men and women. The only gender policy requirement that appears to have been regularly acknowledged in its approach was that there should be some women on project committees:

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

Even after the Pilot phase had ended and the *White Paper* and 'Land Reform Gender Policy' framework had been adopted, commitments to gender equity did not become more sharply focused within the provincial office of the DLA. Taking its cue from the national office, the number of female beneficiaries, measured mainly in terms of the number of female household heads on project lists and the number of women on project committees, have continued to be the only 'gender' indicators used with any degree of regularity in project assessments. Speaking of her experience since joining the office in 1998, another provincial planner commented on the gender policy practice of the office thus:

Basically its quite simplistic - trying to see that women participate and are represented on committees. What is difficult is the methodologies and the lack of support from other implementers and policy makers. ... All you make reference to is the number of women-headed households and women participating for Project Identification and Designation. At the PPAC [Provincial Project Approval Committee] you would present this ... It is not something that is discussed. I think if you did not raise it, it probably would not be raised there (Interview).

The gender policy of the DLA has not been included in the induction of new staff - the induction programme is in any case not standardised across the office and it depends very much on the initiative of individual Project Managers to see that it happens at all. Very few staff interviewed had been on any specialised gender training. Most said their general training had been 'on the job' - 'I was given files to see how the redistribution project cycle goes. You learn as you go' (Interview). While the officials interviewed were all aware of the *White Paper*, the Gender Policy Framework document was much less familiar and was not consulted in the course of their regular routines. Copies were not readily available in the provincial or district offices and a number of staff were unaware of its existence. Those who knew of it did not consider it particularly helpful. 'I saw it a few years ago,' recalled one Project Officer. 'I saw it as normative - there were no real ways how to do anything, no methodologies' (Interview).

Work towards the national policy goals of empowering women and promoting gender equity is not specified in the quarterly work plans which staff are required to draw up with their supervisors and which form the basis of their performance assessment. Speaking about one of her projects, a planner noted:

Gender specifications should have been built into the project but I took on the project when it was already defined. The DLA gender policy is very good but the way you are assessed as a planner - it is just you and your attitude at the end of the day. Gender appraisal is not in your performance criteria. It's just where you come from. At the implementation level it's not clear. ... It can work - that it's in our work plans, it is acknowledged that you are going through this process, even with the budgets. It would have worked well in this project if it was there from the start (Interview).

The absence of strong management support means that planners lack guidance and incentives to pursue gender policy objectives. Many are uncertain how to proceed. Said another planner:

Although there is a policy, the issue has some sensitivity. I am not sure really how to approach it (Interview).

With the establishment of the Gender Unit in the national office in 1996, some staff members with an interest in gender issues, all of them women, have been drawn into a loose national gender network coordinated by the Unit. However, no formal mechanisms were put in place to ensure that discussions in the network were reported to the rest of the staff in the province nor drawn on in developing procedures for what came to be termed 'the project cycle'. The first time that the various procedures, requirements and 'milestones' of the project cycle was subjected to a rigorous scrutiny in the province in terms of its compliance with gender policy was in October 2000, at a provincial 'Gender Best Practices' workshop. Each Land Affairs office in the province was invited to send delegates to this workshop but the organisers were disappointed at the turnout, which drew largely on the small core of officials already committed to the idea of 'gender best practice' (Research notes, Workshop, 24.10.2000). Speaking of the difficulties experienced by the former 'gender rep' from the provincial office to the national forum, a Project Manager said: 'I don't think we as Managers gave her support.' Further:

Gender policy is not on the agenda at all. ... They [Manco] left it to the Programme Managers how they do it. I don't think there is a common commitment to it' (Interview).

This view was substantiated broadly by the other Project Managers interviewed,²⁵ who also reflected on a range of reasons why this was the case. None expressed reservations about the legitimacy of the policy itself. However, one complained strongly of the absence of clear guidelines that were compatible with the other procedural requirements for which they were responsible:

I'm driven by work plans. We plan all our projects once a year in our annual work plans and measure progress against that. I want gender to become a specific activity (Interview).

Another admitted that he had not focused on gender awareness in his team, but had assumed that his staff would already have 'a certain level of understanding' about gender issues when they went out to projects, which they would then draw upon. When asked why he had not engaged the gender policy, he also emphasised the overwhelming pressure he was under to improve results in the delivery of projects and the lack of institutional support he received as a middle manager:

The key challenge has been around delivery and to focus attention [of staff] on the movement of projects, given the huge demand (Interview).

Communication from senior management in Pretoria on gender policy and its importance is also extremely poor. Thus in January 2001 this same Project Manager was not aware of the 'Gender Pledge' that had been adopted by senior management in the national office some months before (ibid).

However, although marginal to the mainstream of office activities, organisation to promote gender awareness is sanctioned as a side activity. In March 2000 the office management committee approved the establishment of a province-wide Gender Forum. This came about in response to the concern raised by one of the Project Managers that gender issues were not receiving sufficient attention. She was promptly given the responsibility for coordinating the Forum - 'OK, you've come with it, you take it,' was how she

²⁵ Three of the Four Project Managers (responsible for running the district offices) were interviewed. Attempts to find a suitable date and time with the fourth Project Manager were not successful.

recalls the way in which she was assigned this responsibility (Interview). When interviewed in late 2000 she thought that 'possibly' a little more space had been opened up for work on gender issues in the office within the previous twelve months. She was positive about the establishment of the Forum, but was also critical of the way in which responsibility for it was simply added to all her other commitments.

The level of engagement with gender policy is certainly higher in the DLA than many of its counterparts in the province. Asked to comment on gender policy in the Uthukela Regional Council (whose area of jurisdiction covers much of the former Pilot district), the Chief Executive Officer of the Council answered: 'In all honesty, I think we have passed the buck on that one' (Interview). He did note that the issue was not off the agenda entirely: there was a Gender Working Group, which involved 'lady councillors' who had a small budget to run the Group and initiate some projects, but he was not sure what the projects were (ibid). The Director for the North West region of the provincial Department of Agriculture (one of four regional directorates in the province) noted in his interview:

We don't really have gender priorities. We try to service the needs of farmers on the land. I say 'try' because we cannot address all the needs. It is impossible.

He was relatively positive about the LRAD, which he considered an improvement on the previous land reform programme because of its emphasis on economic sustainability and agricultural production. However, he also recognised that men would be better placed than women to benefit from the programme. In his view, although he could think of some notable exceptions, women would find it difficult to come forward with a project proposal. 'It would be open for them but in practice there would be problems' (Interview).

Gender and land reform in practice in three land reform projects

The following case studies take the account of gender policy in the province further, by looking at its operationalisation in three projects: Mahlabathini and Ntabeni, both in the Natal Midlands, and The Gorge, on the South Coast. While it is not claimed that these projects are representative of the range of projects found within the province, they do illustrate a number of pertinent themes. Collectively they reinforce the view that national policy on women's empowerment and gender equity has not been a major consideration in the way in which land reform has been implemented to date. This does not mean, however, that the policy has had no effect in the field, nor that gender relations in project communities have been left untouched by the land reform programme.

Case study 1: Mahlabathini

Background

Part of the interest of Mahlabathini (which translates into 'our land') lies in how it reminds us of the parameters shaping land reform policy and practice in the early to mid 1990s and highlights the weight of non-economic factors in the way in which many beneficiaries, both men and women, have engaged with the opportunities the programme has presented to them. The case study reflects a particular stage of land reform - its history needs to be located in the broader context of land reform in the pilot phase. Any assessment of the relative success or failure of the project, and of land reform in this first phase more generally, has to be informed by an awareness of what was politically and socially possible in the Pilot District in 1995/96.

Located on the banks of the Tugela River, some 20 km from the small farming village of Weenen, Mahlabathini is one of the earliest land reform projects within the Pilot District, hence one of the oldest projects on the books of the DLA. It is a 'thornveld' farm some 112,5 hectares in extent, one of 22 redistribution projects in the province (55 nationally) that were designated in the first two years of land reform, by the end of 1996. The beneficiaries are a small community of 15 households, three of which were classified as female-headed in the DLA books.

This is a very poor community. Unemployment is high and local wages, chiefly for menial work on surrounding farms, are very low. A household survey was conducted among the beneficiaries during the course of the processing of their application (DLA KZN, KNA/4/4/1). At that stage six of the 15 households did not report any household members with a regular cash income, whether in the form of wages or pensions. In a further four households pensions (R400 per month) were the only source of regular cash income. In the five households with employed members, most workers were labourers earning between R100 and R200 a month. One man worked as a security guard, earning R900 a month. The only person to be earning a reasonable salary was a son of the Community Chairperson, who worked as a schoolteacher and reportedly earned R2 500 a month. Livestock was regarded as a major asset and here there were quite marked disparities. Two households reported having no stock. Seven had cattle, the largest household herd comprising six beasts. Eight households had goats, five having quite large herds of between 16 and 50 animals each. The largest herd belonged to the Chairperson of the project.

As in many of the early, pilot projects, Mahlabathini had a very strong restitution base. It involved the return by a group of ex-labour tenants to the farm which they regarded as their ancestral land, from which they had been evicted in 1968. At that time three families had remained on the farm but the rest were relocated to Sahlumbe, a makeshift resettlement camp established some 12 km from Mahlabathini, on land that was destined for incorporation into the bantustan of KwaZulu. Conditions at Sahlumbe were extremely poor. Relocates were supplied with tents and expected to build their own shelters. No sanitation was laid on. The only water supply came from the Tugela river (SPP vol 4, 1983: 312). A survey conducted by the Surplus People Project (SPP) in late 1980 asked respondents to list their major problems. Responses, in order of frequency, were: 1) no land for farming, 2) scarcity of firewood, 3) 'faction fighting', 4) lack of clean and accessible water, and 5) stock impoundment. The improvements most commonly desired were: 1) land for farming, 2) water, 3) employment and 4) clinics (ibid: 323). In the fifteen years between the SPP survey and the launch of the Land Reform Pilot District, conditions did not improve substantially, although some basic services were laid on. By 1995 Sahlumbe had a population of some 5 000 people, mostly evictees and displaced people, and basic infrastructure was still very poor (Marcus, 1995). The area was riven with factional violence throughout the 1980s and into the 1990s.

In interviews the Mahlabathini people describe Sahlumbe in very negative terms as overcrowded, hostile, and crime-ridden:

At Sahlumbe there was no firewood, burglary was rife, people randomly shot one another. There were too many people which may have been the reason for people's misbehaviour.²⁶

Mahlabathini, in contrast, is experienced positively as peaceful:

Here you don't worry about watching your livestock.

[At Sahlumbe] it was bad, really bad. I like this place even if we are living in the bush.

The project application was sponsored vigorously by the Weenen Peace and Development Committee, whose role in brokering land reform agreements in the area has already been described. The Chairperson of the Mahlabathini Committee recalls that they approached Mr Dladla, then a prominent community leader on the Committee (in 2000 Chairperson of the Uthukela Regional Council):

We approached him so that he could assist us as an educated person because we heard from others that we were to go through certain channels in order to achieve our goals. Dladla then asked us which farm we were claiming and told us negotiations had to be undertaken with the owner of the farm. ... He was not a Mayor then but he was an active and educated person who

²⁶ Unless otherwise specified, all the quotations from community members in the three case studies are drawn from

assisted us a lot. Makhonya [another Committee member] and the owner of the farm came to us because we went to Mahlabathini without permission to clear the bush and trees. They [the owners] asked us why we did that. We told them we had waited for quite some time.

Thereafter, 'we went to Pietermaritzburg to claim the farm.' The first meeting between the community and DLA officials took place in September 1995. The project was designated by the Minister in December 1996 and the land transferred in April 1997 to a Community Trust that was established to hold the land on behalf of the 15 households. The Weenen Peace and Development Committee was active in the negotiations around the sale of the farm, signing the Memorandum of Agreement to buy the farm on behalf of the Mahlabathini people (DLA KZN, KNA4/4/1).

People moved back on to the farm in 1997. The process of allocation of sites seems to have been managed by the community with a minimum of conflict - 'Some of us went back to our original plots; some chose other sites they preferred' (Interview). Land for residential sites was allocated on a household basis, with DLA providing technical assistance to mark out the plots. Three widows who were considered household heads (and listed as beneficiaries on the project list) were given their own plots. In addition, a four-hectare piece of land close to the river was marked out for fencing off as a community garden area. The rest of the farm was regarded as commonage for grazing and other resources (firewood, wild foods, building materials).

Project budget

The farm cost R90 000, which was paid out of the total project grant of R225 000 (calculated by multiplying the household grant of R15 000 by the total number of households). Indirectly commenting on the pressure this grant formula exerted on people to form large project groups, the 'Agricultural and Natural Environmental Assessment' report for Mahlabathini noted:

Due to the small number of applicants (15 households) available funds through the grant system of the Department of Land Affairs are commensurably low. Given that the majority of these funds were used to effect the land purchase, there were limited funds available for planning (DLA KZN, KNA/4/4/1).

To augment the grant funds, officials proposed that each household should make an additional contribution of R800, made up of R500 in cash and R300 in labour, i.e. a total of R12 000 altogether. This sum was included in the official budget for the project, bringing it to R237 000. The 'beneficiary contribution' is, however, controversial and has not been collected.

The issue is interesting as a window on the power relations between officials and beneficiaries and between men and women within the project. It also illustrates how differently officials and beneficiaries often account for project events, and points to some of the difficulties that may occur in the collection of the 'own contribution' within the new LRAD sub-programme. The DLA files report that the contribution was agreed to by 'the community' at a planning meeting. The planner who was responsible for the Mahlabathini project in 2000, when this research was conducted, had only joined DLA in late 1999 and was not sure about the history of the contribution but confirmed it had not been collected. According to her and her Project Team Leader, this was indicative of the administrative problems that the DLA should anticipate with regard to the LRAD 'own contribution'. A group of women participating in a group discussion in the course of this research claimed they knew nothing about this money and had not been present when the matter was discussed:

We do not know about the money; perhaps the men do.

the interviews and group discussions conducted with them during this research.

The men, in turn, were initially suspicious of research questions about this money, fearing some sort of collusion between the research project and DLA officials. According to them, they had not volunteered the idea (as suggested in the official Development Plan for the project) but had agreed to pay a sum of R500 per household so as not to jeopardise the project. Subsequently, 'another lady with a dark complexion' told them that the sum was R800. Neither this official nor the men seemed aware that, according to the DLA files, the additional R300 per household was to be paid through labour.

Mavis from DLA and the other lady told us that the contribution should be R500 and we agreed. Then at a later stage we were called to Weenen by another lady with a dark complexion [who] told us the contribution was R800 and we were the ones who had agreed to that amount. We could not accept that because it was not true. Therefore the dark lady said she was going to Pietermaritzburg to check the documents because according to what she knew, we had agreed to pay R800 per household. We are still waiting up until today because she has not come back. We do not know what is going on (Informant in group discussion).²⁷

This story illustrates another striking feature of this community's experience of government - the lack of continuity of the largely anonymous officials responsible for seeing the project through to its conclusion. 'Government officials do come but they are many and they keep changing,' said one woman (Interview). For the people of Mahlabathini, the official who spoke about the sum of R800 was identifiable only by the colour of her skin ('the dark lady') - her name, official designation and the office where she worked were unknown. Similarly, the officials who marked out their homestead plots could be identified only as 'whites'. For most people the hierarchy of national, provincial and local government departments is unfamiliar, the proliferation of their associated consultants and researchers confusing. A number of beneficiaries assumed that an NGO staff member working in the area on an independently funded 'capacity building' exercise was in fact a government representative.

The state is experienced as something distant, fragmented and mysterious. Its representatives often appear unreliable - their timetables are unknown, their constraints largely irrelevant to the local concerns at hand. The isolation of the community, the particular history of the pilot programme, high turnover among DLA staff, and the number of different agencies involved in the planning and settlement of the project have all combined to retard the development of effective collaborative relationships between the community and officialdom.

Development prospects

When the land was bought there was no infrastructure apart from a dipping tank, which was in disrepair. The road into the farm is little more than a track alongside the Tugela river, which gets flooded periodically during the summer rainfall months. The nearest shop is on a farm about four kilometres away. An electricity cable does run to the farm, so there is potential for the community to be connected to this source of power, but it is doubtful that members would be willing or able to pay for electricity in the foreseeable future. Because of the limited funds available, the improvements provided through the project budget have been very basic. The largest allocation has been for an irrigation system for the community garden and three boreholes with pumps for domestic water. Provision has also been made for basic sanitation and for fencing, seeds and some tools for the garden.

As the agricultural planners pointed out in the planning stage, the land has poor economic prospects (DLA KZN, KNA/4/4/1). About 25 hectares of land along the river is relatively flat, with alluvial soils; the rest of the farm rises up the steep hillsides forming the south bank of the Tugela River valley. Most of it is severely eroded. Rainfall averages 650 mm a year (ibid). Agricultural experts consider the stock-carrying capacity of the farm to be low, optimally only nine large stock units and 50 goats. The validity of these

²⁷ 'Mavis' is the first name of the DLA official working with this community in 2000. However, she was not part of the original decision as 'remembered' by the men in this interview, as she only joined the district office in late 1999.

numbers are disputed by the community and were exceeded as soon as they moved back.

The Tugela River offers real prospects for irrigation but the Agricultural Report cautions against the aggravation of poor soil quality through irrigation (ibid). Because of the distance from the town of Weenen, plus the very poor road and transport infrastructure, there is no local market for any surplus crops that might be grown. The Report considers that citrus production, under irrigation, offers the best prospects for commercial farming but concedes that the capital investment as well as the farming and management skills required make that an unrealistic option.²⁸

By late 2000 the DLA considered itself to have formally 'exited' from Mahlabathini, having handed over the development budget and responsibility for installing the limited infrastructural improvements to the local Regional Council. However, there was no ongoing support for the project in place, either from local government or the provincial Department of Agriculture. The CEO of the Regional Council confirmed in an interview that his office was unable to provide systematic community development support (interview); the Director for Agriculture in the district indicated that there was an extension officer based at the Tugela Irrigation Centre, under whom Mahlabathini would fall, but cautioned that this man was 'relatively busy' (Interview). Lima, the NGO/consultancy that was originally contracted to run the Pilot Office, had raised donor funds to employ two field workers to undertake limited 'capacity building' work with a number of land reform projects in the former Pilot District, including Mahlabathini, but these funds came to an end in early 2001.

Three years after the community settled on the land there were few signs of economic development. The community garden site had not yet been worked when this research was undertaken (August/September 2000), as the fencing that was installed was insufficient to keep out the goats and people were waiting for 'the government' to fix the problem. The installation of an irrigation system for the garden area had also not been completed, although the three pumps for domestic water were installed and in use. By mid 2000 materials had finally arrived for the pit latrines (which were planned in October 1997) but construction had not yet begun (Lima, 2000: 27).

In terms of internal capacity, the Trust Committee was not functioning as per its constitution. The Trust document was reported lost in 2000 and this was used to explain why elections for the committee had not taken place - the procedures were not known without it. (DLA had no replacement copy in its files). A Lima report described the situation in mid 2000 as follows:

Leadership on the project is a problem and there has been poor attendance at some of the training sessions. Some members of the trust committee are working. Gender issues are prevalent, with very little decision making in the absence of male members of the trust. Many of the community are illiterate and one needs to be patient ... (Lima, 2000: 27).

In the meantime, the Chairperson had assumed a traditional rather than a democratic style of leadership, speaking for people and projecting a paternalistic style of authority. However, given the small size and relative cohesion of the community, as well as the absence of any significant group projects requiring organisation, this did not seem to be a major problem to its residents.

Participation of women

Women's involvement in the project process was mediated largely through their husbands. In their words:

²⁸ From a developmental perspective, this Report and the brief that set its terms of reference are absurd. The Report approaches the task of assessing Mahlabathini's agricultural prospects as if this was a conventional farming project with an established large-scale farmer as its client. It devotes several pages to the technicalities of the completely impractical citrus proposal, including a detailed discussion on the varieties of cultivars suitable for the soil and climate.

My husband did give me feedback and I sometimes attended meetings when he was not around.

Few women attended meetings. My husband never gave me feedback. Giving feedback was a wife-husband thing, not the community.

However, although there was little direct participation by women in the negotiations, individual women took a strong interest in the community process and some took active steps to secure their household interests. One woman described how she took the initiative on behalf of her absent migrant husband:

My husband used to work in Johannesburg. I heard that those who wanted to go back to their farms must go and enlist with Induna Majola. I called on Flominah and her husband said we were wasting our time. Then my husband came back. I told him I had enlisted and had used his name as the household head.

The community was required by DLA to have a woman on the Committee so two were originally chosen for this task. However, neither were active members:

The Committee including my son were involved and women had to be involved too. They asked women to become members of the Committee, so I availed myself together with Flominah but she said she was going to pull out as time went on, because she was going to move from Mahlabathini and stay with her daughter. I never said a thing on the Committee; only two of the men were active. I always told them to replace me because I'm too old now. Even when we went to Pietermaritzburg to see those we were demanding the land from, I always kept quiet.

This woman, who is a pensioner, has chosen not to continue on the Committee, on the grounds that she is too old. With the transfer of the land, the Committee has ceased to function in any case. What is revealing is that she never regarded herself as there for any reason other than that it was a requirement of DLA. She certainly did not consider herself a champion of women's interests. She holds very conservative ideas about women's place as subordinate to men, although she does qualify this by noting the need for consultation and respect. In her view 'the house cannot be headed by a woman if the husband is still alive' because it is 'natural' that the man should occupy this position. Furthermore, while the husband and wife should decide how to use household land jointly, 'as a couple', the final word rests with the man.

Their lack of participation was acknowledged by some of the women interviewed as a problem:

It's not right. Everyone should witness things.

One woman expressed embarrassment in the context of the interview:

It's bad because we are unable to give you answers.

However, there were no recommendations about how to improve their level of participation. The women lapsed into silence when asked how this could be changed.

While for the most part the women of Mahlabathini conform with the prevailing social norms with regard to female deference to men, especially their husbands, there was some interesting commentary on custom in the all-women focus group discussion on inheritance and women's rights. A couple of the women felt that their unmarried daughters should be able to inherit land, even though this was against current norms and practices. One thought this should extend even to married daughters 'because situations are not the same and there are no jobs ... one must not let her kids suffer when there are resources.' However,

This equal division has not been practised yet.

There was also support for the idea of individual rights for women 'because if you share with your husband you encounter problems.' However, working against this were 'the countryside's rules', which did not allow this. All the women agreed that men would not approve:

He feels like a king who has all the powers. He would say this would make us both men and he'll think he is being overpowered.

Some men might resort to violence if challenged by their wives. However, the likelihood of this varied:

They are not all the same. Some will beat you up, others will not. They could try to understand and stomach the situation.

There was also extreme ignorance about HIV/AIDS and its prevention among both the men and women that were interviewed. It is not a matter of public discussion. One young man suggested the community needed someone to come and educate them about the virus and its transmission.

Access to external resources that might support the women develop a more assertive presence in community and domestic affairs is non-existent. A couple of the women interviewed had a vague awareness of the Commission on Gender Equality as a national structure, having heard talk of it on the radio. This was, however, an abstract resource, with no direct relevance in this isolated community. In the absence of external support, it is difficult to see the *status quo* around gender relations being directly challenged by women in this community.

DLA's attempts to target women

In terms of official attempts to increase women's participation in the development planning stages, there was very little consistent guidance to beneficiaries or consultants by the DLA. The only gendered piece of information that recurs in the project documentation is the number of female-headed households (determined here in terms of widow status). In a 'Consultant's Brief' drawn up in early 1997 women were identified as one of the sectors within the community whose specific needs might require assessment (along with 'youth, church groups, landowners and tenants'). The Brief also specified the issue of tenure security for women:

The issue of tenure security for women is of specific concern and mechanisms to ensure this are to be proposed (DLA KZN, KNA/4/4/1).

However, these sections of the Brief were culled from a generic format - hence the misdirected reference to tenants, which does not apply to Mahlabathini - and the way in which the Brief was managed confirms that these requirements were not of central concern. The consultants worked with an undifferentiated notion of 'the community' and did not workshop either 'community needs' or the needs of the 'different sectors' in separate groups for men and women, as a way of encouraging women to express their views. None of the women interviewed recalled any special discussion of women's role or participation in the project, apart from the early requirement that a couple of women serve on the Committee. Both men and women agreed that women did not speak at the community meetings at which people's needs and issues were identified. In the words of one woman, 'We attended meetings to listen.' The consultants also did not deal with the issue of tenure security for women in their Report, as required by their brief, but there was no comeback from the DLA. The project proceeded through the approval and designation stages without DLA management probing if and how gender policy was being applied.

A DLA official did, however, intervene to improve the position of women on at least one occasion. In this case, the responsible planner recalled how she insisted that the men agree that three public water pumps

be installed at various points for domestic use, rather than the two which the men had considered sufficient; they had attempted to bolster their case by noting that since the project was located on the banks of a river, there was a perfectly satisfactory source of water for the women (who are responsible for water collection) to use close by (Interview).

Because of the unexamined household model of participation in the Trust, homestead and community garden sites were allocated per household. There was no discussion about giving women their own fields within the project. The issue of independent land rights for women within the scope of the project was not on the agenda at the time the project was launched. When asked during this research project what they thought of the idea of individual garden sites for women now they were back on the land, the women in the group discussion responded with interest. They appeared intrigued by the possibility but did not know how to take the idea forward. The planning phase for the project was long past, the allocation of land was already set, DLA was no longer active and there was nobody to champion such a novel idea with or for them.

Women's assessment of the project

From the above account one may be tempted to conclude that land reform has been a hopeless failure in Mahlabathini. Yet in comparison to their former situation at Sahlumbe, the adults of Mahlabathini consider themselves to have benefited out of the process overall. (This research project did not explore the attitudes of young members of the community, where dissatisfaction with the isolation and lack of resources could be expected to be higher.) Despite the lack of progress in terms of infrastructure, the women interviewed all welcomed the return to what they accept as their households' ancestral land.

Here it is OK and nice because there is water, firewood and a river where our livestock can drink. It is only the shop that is too far from the community.

I also like this place. Everything is fine here. It is so nice that we are back in our original land. We really feel at home here, unlike at Sahlumbe, where we were like strangers. The people of Sahlumbe always reminded us that we were strangers.

We missed our place. We were forcibly removed from it and did not know the place we were taken to.

The community is now further from resources such as schools and shops than they were previously and the women do regard this as problematic. Nevertheless, they are positive overall about the project - because it has allowed them to return to land they, along with the men, regard as the land of their forefathers, and because Mahlabathini is a safer environment than where they were before, which offers them a more secure base from which to try to realise their extremely modest expectations of daily life. For them the indicators of progress are to be found in social and subsistence gains rather than in large developmental ambitions:

We wanted to plough, keep stock, get firewood and come back to our original land.

Thus overall land reform is considered to be working:

It was a great success to come back to our original land.

Everything is OK except a school for our children.

Case Study 2: Ntabeni

Ntabeni shares a number of features with Mahlabathini but presents a more promising economic profile. It

is also a small project (eight households, all former labour tenants), dating from the early days of the Pilot programme. Like Mahlabathini it benefited from external sponsorship in preparing its application for the land grant, in this case from the land-rights NGO, AFRA. However, the community displays far more visible commitment to farming than at Mahlabathini. The farm is more favourably located, close to a major highway and near the small town of Estcourt, and does have some, albeit limited, agricultural prospects. People are searching for ways to engage the promise of 'the market' and have shown considerable initiative in trying to secure the land and use it productively. Women have also been more active in the project process than at Mahlabathini, although deferring to the overarching authority of men in both their households and the project committee.

It is a project that could, thus, be regarded as something of a success story, which is certainly how the District Office of the DLA in Ladysmith saw it when they moved to 'project closure' in early 2000. However, major destabilising tensions over the internal allocation of fields among participating households have come to the fore since DLA has formally exited, centred on one of the community leaders and his ambitions for his portion of the land. They highlight the fragility of the legal arrangements underpinning the project, the difficulty of holding competing visions of land use and land management within a single project and legal entity, and the lack of ongoing community facilitation and development support for land reform projects after DLA has closed its books and moved on to the next project. These are serious issues for future policy development to tackle, including policy concerned with securing gender equity in the long term.²⁹

Background

The origins of the Ntabeni project lie in contemporary rather than historic land evictions and insecurity. Six of the households were labour tenants who were threatened with eviction in the mid 1990s, when a new landowner bought the farm on which they were living and working.:

Buyis [the farmer] told us we had to sign documents which were saying we are allowing him to remove us. We consulted people who helped us resist. T. went out looking for the channels that were going to be of help in resisting. ... I became involved in 1995 when I followed T. (Interview).

In these early days the community benefited from the energetic leadership provided by one of its members, 'T' in the above quotation. He is a fairly young man, who is relatively well-educated formally (grade 9) and operates a small taxi business on the side. His family has resources - a tractor, a hammer mill - which he rents out to his neighbours. His ambitions to make a success of farming - 'to be my own boss' (interview) - and to mobilise his modest resources to achieve this make him an ideal candidate for the LRAD programme. He recalls that he was motivated to fight for the land not because of ancestral ties *per se* (his parents had come to the farm ten years before he was born) but because of a strong desire to have his own place from which he could make a living:

I sometimes visited my relatives at locations. I saw that everyone there was doing the job he was trained for, and that made me realise that I did not have any other place to go to except come back and work here [on the farm]. I started being in the struggle in 1995. We had to struggle for the land because there was no place we could go to. My aim was to work the farm and own the farm and just live here as a farmer and get profit. ... I wanted to plough, milk. ... It was difficult. I nearly lost my life. Neighbouring farmers were threatening me, saying I'm ANC ... They said I'm used to visiting the townships which was the reason I talked the way I did and was an activist. They thought I was influencing other people. ... I heard from the radio about AFRA and wrote a letter to them. I was told to come to their offices and I did not waste time. I went there (Interview).

²⁹ For a general discussion on the problems of many of the newly established legal entities set up to own and manage newly acquired land on behalf of land reform beneficiaries, see Trench (2000).

With the support of AFRA, the community was directed to DLA and entered into negotiations with the farmer to buy 151 hectares of the farm, which included their existing homesteads and fields. Because the redistribution programme was already in place, they used this as the channel to access funds. The application for a grant was submitted to the Pilot Land Reform Office in March 1996 and the project designated by the Minister later that year. A Community Trust was registered in October 1996 and took ownership of the farm a few days later on behalf of the listed members, all of them male.

When asked during this research how headship was determined, one woman answered that it was based on who had been working for the previous landowner (Interview). In contrast the 'Application for Planning and Settlement Grant' submitted to the KwaZulu Natal Land Reform Steering Committee in March 1996 notes (paragraph 2.1):

The proposed beneficiaries themselves have decided that all applications will be made by men. The women in households will be accommodated in the tenure arrangements to be made during their institution building process (DLA KZN, KNA/4/2/24).

The first group of Trustees was, however, made up of four men and four women, reflecting a conscious effort by DLA to improve the standing of women in the running of the project and, revealingly, compensate for the fact that there were no female-headed households on the project list.

Project development and budget

According to the household data collected as part of the 'Application for Planning and Settlement Grant', this is another very poor community. In 1995/96 most households depended for their cash income on those members who could find casual work on neighbouring farms or had pensions. Cattle were a major asset, with six households reportedly having seven cattle each and two having three (DLA KZN, KNA/4/2/24).

The grant allocation was R120 000 (R15 000 per household) plus provision for a planning grant. Of interest in the light of the discussion around an 'own contribution' in the new LRAD programme, in Ntabeni each household not only agreed to but also made an additional financial contribution of R3 000 per household towards the project funds. All eight households raised the money, in most cases by selling some of their cattle, the only asset they had. Although the households are poor and found the contribution very onerous, they did so because they were led to believe that it was required of them and not to do so would jeopardise their application. This experience made them more receptive to the principle of an 'own contribution' as a supplement to the government grant than the people at Mahlabathini. However, the women interviewed during this research felt R5 000 was far too onerous. When asked what they thought a reasonable 'own contribution' would be, the consensus was R500 per household.

The total purchase price for the farm, including surveying and conveyancing, was just under R110 000. This left very little of the original grant for settlement and development purposes. Planners were appointed in early 1997 and produced their 'Final Report' in September of that year. In its concluding remarks, this Report noted the discrepancies between community expectations, technical planning considerations and the reach of the project grant (paragraph 5.2):

One of the most frustrating elements of the planning exercise was having to dash the hopes of the community at nearly every turn with respect to certain assumptions they had made because it appears no one briefed them in any detail on technical matters before purchasing the farm. An example of this is that the community wanted to start an irrigation scheme and assumed that it would be able to do so because it had ploughing lands and a spring. However, the detailed investigation determined that the soils were unsuitable for an irrigation operation, and that the water supply would not be sufficient without drilling and equipping a borehole (DLA KZN,

KNA/4/2/24).

The planners reported that the major requirements of the community were to upgrade the water supply and access road, bring electricity to their homes, and install latrines as well as a telephone service. As the supply of these services would cost far more than the available budget, they made a number of recommendations about possible access to funds from other sources. With regard to agricultural potential, the 'Final Report' noted (paragraph 2.2):

Unfortunately, investigations indicated that the land purchased by the Entabeni Community was not particularly high in agricultural potential. The grazing lands, while offering a reasonable carrying capacity, cannot provide a significant income per family due to the number of families on the farm (ibid).

The consultants recommended a number of non-agricultural income-generating projects, including fence making, cement brick making and cement roof-tile making. People's primary orientation has, however, remained agricultural. In interviews a number of women spoke of wanting to produce a surplus 'to sell to make a profit' although few had yet realised these ambitions. When asked where her market was, one woman spoke of the need 'to join somewhere in order to be able to take our produce to where we can sell it' (Interview). Transport is a problem. T., who has a vehicle, sells his surplus in Estcourt to informal street traders, as well as within the community 'although the community do not buy much' (Interview). To date the main source of income for the community as a whole has come from the lease of some of its communal land to two cell phone service providers, on which transmission towers have been erected. This has generated an annual income of some R13 000 for the Trust.

In late 1998 approval was granted by the national office of DLA for the transfer of the unspent budget for infrastructural development (some R45 700) to the Uthukela Regional Council. By mid 2000 DLA considered itself to have exited the project. At that stage the only outside facilitation support available to the community came from the NGO Lima, which had included Ntabeni in its community 'capacity-building' project already discussed in relation to Mahlabathini. As noted, this work came to an end in early 2001.

Community conflict

The problem has arisen because the demarcation of fields for each household was not finalised by the consultants or DLA during the planning stage. Of the original 151 hectares, twenty hectares was considered arable while the remaining 131 hectares were set aside for communal grazing. The dispute centres on how the arable land should be awarded among households for their private development and use. T. and his extended family believe it should be on the basis of the allocation that existed when the households were labour tenants, which was unequal and completely excludes one family who has no arable land at all. T.'s 'historic' justification has an interesting entrepreneurial twist to the more traditional view that land should be awarded according to need and use, which is also embedded within his argument. In his words:

We did not divide the land because we thought we are living harmoniously as a community. Therefore we were going to share the grazing land and fields. We were going to continue using that land we were previously using when the white man was still here. Fields do not belong to an individual; anyone can use them and when he wants more he can get. There are no boundaries for fields. ... before we thought it was OK, because others did not have the interest of using the land which was going to end up being given to people who were going to use the land. But now it has become a problem because people want to own their land even if they are not going to use it (Interview).

Most other households believe that since each household made an equal monetary contribution to buy the

farm (primarily the DLA household grant, supplemented by the individual household contribution), the previous dispensation no longer applies. The arable land should, therefore, be divided equally among all member households regardless of how they use it.

The dispute also involves a serious misunderstanding about the power and status of the title deed. It appears that at the time of the sale the community received only one copy of the title deed. This was kept by T. because, in his wife's words, 'he took the lead in the struggle' (Interview). When the dispute over the fields erupted, those who were opposed to T.'s interpretation feared that somehow he would be able to use the document in his possession to enforce a claim over all the land and demanded that he hand it over. They did not realise that their rights were registered in the Deeds Office in Pietmaritzburg - that the Title deed T. held was a copy of that registration, not the sole proof of ownership. T. took offence at the demand, apparently made at an acrimonious community meeting, and refused to hand the document over.

The original Trust Committee broke up over the dispute, with a number of committee members, including T., resigning and refusing to make themselves available for re-election. The new committee has struggled to function as effectively as the old. In this difficult period it has not been able to draw on external support, neither from government nor the NGO sector. In the words of one of the women serving on it:

The [new] Committee was elected after three years. We were with AFRA and a Lima person when the first committee was elected but they were not here for the present elections. Some of the members of the former committee wanted to drop off and said they didn't want to be elected anymore. ... It's not working OK now because the old committee has not given the new one documents etc. No handover was done. K [the facilitator] from Lima said certain papers had to be filled, but he never came back with them.

When during the course of this research I reported the problem to the DLA official who used to work with this community, she was reluctant to intervene because the project is now closed and she has other commitments. The matter has continued to simmer unresolved since then.

Participation of women

In Ntabeni women benefited in the early stages of the project from the input of a number of external agencies which encouraged them to participate. The role of AFRA, the land-rights NGO, was particularly important. One woman on the Committee described how she got involved:

My husband was working for Buys when I came here [to marry him]. There were negotiations. I got involved when AFRA came. I got involved because I didn't want to be removed. AFRA said women should be involved, so I involved myself.

Another woman recalled how she had been drawn in during a community mapping exercise in the planning stage:

T. talked with AFRA people. We [women] were involved when the map for our farm was drawn on the ground. That was in 1996.

A number of the women spoke also of 'two ladies from Durban who told us we have rights too as women, therefore we must also contribute to the struggle.' One woman remembered that 'a certain lady' from the government had spoken to them about gender equality; in her case, however, 'I don't remember what she said.' In the women's group discussion the role of outsiders was presented as particularly significant. When asked if government officials had spoken of gender equality within the project, the intervention of one official was recalled:

She asked whether men call us for meetings and they said never, so she told them to call us. After that she told them to let us air our views, and that really occurred. That was when the project was at the beginning.

While this woman was presumed to be from government, from other information presented in this discussion, it would appear that she probably had worked for AFRA instead.

With regard to the election of women to the committee, a female committee member noted:

With the old committee [i.e. the initial one] AFRA said that it would be the right thing for the government to have equal numbers of men and women.

According to project documents, DLA wanted equal numbers of men and women on the Committee (as noted, partly to compensate for the fact that there were no women listed as Trust members). This was achieved, with the original Trust Deed confirming the status of four women as Trustees. However, what has not been provided for in the Trust Deed is an explicit mechanism for ensuring that women will continue to be elected as Trustees in the future. All that is specified (clause 7.7) is that the eight trustees be 'men and women residents of Ntabeni' who are registered as permanent residents, are 'dedicated and committed to community affairs', are 'well dignified and loyal', and are 'not authoritarian' (DLA KZN, KNA/4/2/24). It is also worth noting that the document is a highly technical document, written in the best English legalese, and thus unlikely to be helpful to any member of the community who wishes to consult it for guidance on the conduct of community affairs.³⁰ In this respect it mirrors many other land reform constitutions, as described by Trench (2000: 6 - 7):

Constitutions ... may have met the requirements for registration as Trusts or CPAs [Communal Property Associations], but are neither used nor are usable by those whose agreements they are supposed to represent. ... Most are written in English in legalese. Most are very long. Most have not been translated into the vernacular. ... Outdated precedents have been used slavishly.

While most women have taken a keen interest in developments, they have nevertheless regarded their role as essentially supportive of the male leadership. Fear of ridicule for stepping outside their accustomed roles has played its part:

We were afraid that we were going to say silly things and be laughed at, which the men used to do.

In the group discussion the women on the Committee confessed to being uncertain of what their role there was, although they reported being conscientious attendees at meetings. They had not thought that their being committee members entitled them to take the initiative on any issue. Said one:

Since we were on the Committee, we supported the men.

The community leadership remains strongly male and female participation in community affairs is mediated largely through their marital families. In the dispute that has erupted over the allocation of fields and the election of a new committee, women have divided along household lines. T.'s wife, who became very upset in discussing the conflict in her interview, defended her husband's interpretation of events and his record in fighting for the community. In her view they would never have got where they had without his

³⁰ For example, on the election of Trustees it states (clause 7.1): 'At an Annual General Meeting of Residents referred to in clause 13.3, the residents present, being not less than 18 years old, may, subject to this Deed of Trust, by secret ballot, elect Trustees of eighteen years or older and whom are members of the Trust to replace the First Trustees who have retired or are about to retire in accordance with the provisions of clause 7.2.'

leadership; she was adamant that no woman could have emulated his achievements (Interview).

Yet at the same time, women do recognise their vulnerability in relation to their husbands and, as in Mahlabathini, are interested in exploring ways in which their rights and interests in Ntabeni might be better secured. Lack of information and access to resources to deal with social problems are serious handicaps. In the women's discussion group violence against women was acknowledged as 'sometimes' present, although there was initial reluctance to discuss it. One woman wanted to know what women could do to about such problems - where could they go, what did the law say, how could that help them? Women also asked for information to help them understand the HIV/AIDS epidemic, which they claimed was not yet a problem in their community but did worry them as a hazy threat:

There is no information about it. We must get information so that we can be aware about what we should do.

With regard to property rights, several women favoured the idea of a form of joint title with their husbands. Thus one woman spoke of separate title deeds for women, but in the context of sharing the land with their husbands. This appealed to her 'because men change':

He might decide to take a second wife or another woman and leave me but then I will be able to produce my own title deed.

According to her it would be difficult to have her own land 'so its OK that we share the land but have separate title deeds.' Another woman also favoured the idea of joint title, 'the one that combines us':

Because we are equal we should have the title deed that is owned by both of us.

One woman spoke of her interest in individual land:

I would like to have my own piece of land so that we can recognise gender equity.

With regard to inheritance of household property and land by girls, the women interviewed held a range of views. Concern for the continuity and integrity of the patriarchal household if daughters inherited co-mingled with the desire to boost their daughters' life chances and recognise their contribution to household well-being. One woman thought female inheritance was not right because of the threat it posed to the family when the girl married. Two thought that girls should inherit equally with their brothers while another thought that girls should only inherit if they did not get married.

Only two men were interviewed in the course of the research. Neither were hostile to women's participation in community affairs. T., the erstwhile community leader, noted that 'women also used to contribute with their ideas because we used to consult with our wives.' The other man interviewed also approved of the contribution made by women. He too framed his assessment within a domestic context:

I've seen a lot that women can do. For instance here at home my wife advises me with some of the things when I am stuck.

DLA's attempts to target women

While women were drawn into the project planning process, they were not singled out as a primary target group by officials. As noted above, DLA attempted to compensate for the fact that all the beneficiary households were male-headed in the composition of the Trust Committee and through committing, in the 'Application for Planning and Settlement Grant', to accommodate women's interests during the 'institution building process.' This was followed through formally in the 'Consultants Brief' that DLA prepared for the consultants who were tasked with drawing up a project proposal for the community. As in Mahlabathini,

this brief required (page 2) 'an assessment of the specific needs of different sectors within the community, eg the youth, women, church groups etc.' (DLA KZN, KNA/4/2/24). (Other requirements included collecting data, assessing agricultural use and potential as well as environmental issues, identifying institutional arrangements, workshopping agricultural alternatives and management systems, preparing guidelines for service providers, and preparing a settlement and land use plan) (ibid).

However, the consideration given to this needs assessment for women was very cursory. The consultants worked with an unquestioned assumption of the family as the primary planning unit, which slid over in practice to treating men as the implicit subjects of their process. Thus the minutes of a planning meeting involving the consultants and a number of government officials elided the needs of 'families' with those of the cattle keepers, who in this as in other rural communities would be mainly men (page 2):

The first need will be to confirm the situation profile and to begin establishing exactly what the families need and hope to achieve with the farm. Do they expect to be fully supported by the farming activities? Some of them are working or have other sources of income. What do they expect from the cattle side - do they want to keep them for commercial purposes or for personal reasons (e.g. as a bank)? (DLA KZN, KNA/4/2/24).

The consultants did not hold separate women-only sessions to identify what their 'specific needs' might be, nor was this required of them by DLA. Rather, according to the minutes of a 'Meeting with Ntabeni Community, 1997' (page 2) women were merely asked, at the first meeting between the consultants and the community, 'what they would be interested in doing with regard to agriculture.' (DLA KZN, KNA/4/2/24). One woman specified a vegetable garden and all were reportedly interested in poultry production (ibid). Beyond that, the women's views on how they could best secure the gains they had made through the project as individuals or as members of families were not explored in the project planning nor in the process of drawing up the legal entity to hold the land.

Despite these and other limitations, including the worrying tensions troubling the community in 2000/2001, the women of Ntabeni, as at Mahlabathini, still regard land reform as having made a positive contribution to their lives. Even though the promise of making a secure living off their land has not yet been realised, the women feel they are much better off living on their own land than they were as labour tenants. Recalling what it was like to work for the farmer, one woman said:

There was no welfare. Even if you were from hospital after delivering a baby you could stay home for only a week before you had to go to work again. And one worked very hard. We polished the floors and waxed them till white. We worked even on Sundays till 2 pm. During the week we worked from 6 - 5 and were paid R60 for 6 months. We were very oppressed.

Their assessment of land reform is thus guardedly positive:

Our expectations have been met, but we still have a problem with the fields and a tractor.

It was a success, although we encountered financial problems, which we managed to overcome.

Case Study 3: The Gorge

The third case study differs from the first two in a number of respects. It involves the transfer of state rather than privately owned land. It is much bigger - 105 households, of which 40 are designated as 'female-headed' - and is at an earlier stage in the process. In addition, the local politics are more complex and contested than in the other two projects. There is an undercurrent of violence in the area which has seen the murder of several prominent community members in the recent past, although whether these

have any association with the land reform project is not known.³¹ A major issue confronting the DLA concerns the role of the neighbouring Tribal Authority, which is linked to questions about the most suitable and desirable form(s) of tenure and how to structure the legal entity that is to take transfer of the land.

This project is also interesting as an example of one official's conscious efforts to insert a 'gender agenda' into the project approval process. In doing so she has relied very much on her own initiative, although she has had the general backing of her Project Manager in Pietermaritzburg. This work has extended to starting both a women's group and a youth group outside of her official hours, with HIV/AIDS education as a primary concern in both. Her efforts to promote women as a constituency within the project (for which she has had no guidelines from DLA management or the departmental gender policy) have added a further layer of complexity to the politics of beneficiary representation in the project, already embroiled in questions about the standing of the Tribal Authority. The official is struggling to win the trust of members of the community, some of whom express suspicion at her handling of the 'legal entity' process and the political dynamics that this has involved with the Tribal Authority and *inkosi*.³²

Background

The Gorge involves the transfer of state land to beneficiaries who are already living informally on the land; some of them have been there for at least 13 years. (If anybody thought that the transfer of state land to land reform beneficiaries must surely be a relatively easy and painless procedure, this case study will make them think again!)

The farm is just under 486 hectares in extent, located about 12 km east of the small town of Harding in the southern part of the province. This area does not have the same level of NGO activism around land as in the Natal Midlands, where Mahlabathini and Ntabeni are located. The South Coast generally is characterised by an extremely dense pattern of fragmented tribal, private and state land holdings that will have shaped the context within which the project has operated. However, this history and the contestation over land, authority, tribal boundaries and political affiliation that it involves is not well documented and has not been researched for this Report.

According to the official documents, the farm passed into state ownership in 1977 when it was bought by the apartheid state from its white owner for 'consolidation' with the neighbouring portion of the KwaZulu bantustan, in keeping with the spatial plans of 'grand apartheid'. The farm was not transferred to KwaZulu, however, but remained vacant, under the management of the provincial Department of Agriculture, until 1987. At that point a group of people moved onto the land from the neighbouring Tribal Authority, according to project records, as a result of damage caused in the area by the very severe floods of that year. Of interest is that the floods have not featured in the settlement accounts of the people interviewed during this research; this may, however, simply reflect the idiosyncratic sample that was involved. Over the years since 1987 other households have moved in from different areas in search of available land and security, negotiating with the neighbouring *inkosi* or a local community leader to obtain sites. Political conflict was a factor in some people's decision to move to The Gorge - one woman who was interviewed recalled how she came with her husband in 1998 'because of violence' between two wards where she and her husband had been staying previously.

³¹ In December 1999 two women were murdered, both of them prominent in community affairs (Interview). Most recently, in May 2001, the Chairman of the project committee, from the Tribal Authority, was shot dead.

³² The size of the community and various logistical constraints meant that it was not possible to conduct interviews with a representative sample of women. Instead individual interviews were conducted with a small number of women who have been active in community affairs, supplemented by two group discussions, one with a large group of about 20 women who showed up at a pre-arranged venue and time, and the other with a group of male committee members who had also been invited to come to a session in advance. Additional information and perspectives on developments within the project were obtained from an extensive interview with the DLA official running the project and the project files. This account is therefore not regarded as a definitive statement of views within the community.

In 1993 the Tribal Authority put in a claim to the Advisory Commission on Land Allocation (ACLA), which had been established by the apartheid government in 1991 to relieve some of the pressure of land claims on state-owned land. In one of its many 'legacy' recommendations to the new ANC government, this body recommended in September 1994, shortly before its dissolution, that the state should transfer the land to the Tribal Authority. This recommendation was subsequently approved by Minister Hanekom.

In the meantime, the residents' informal occupation of the farm was finally sanctioned by the state in 1995, when the provincial Department of Agriculture signed an agreement not with the *inkosi* but with the community leader to lease them the farm for R600 per annum. This individual's relationship to the local *inkosi* is not clear in the documentation - in one document it is suggested he was the brother of the former *inkosi*, although this was denied by people who were interviewed during this research. In any case, what the records do show is that by the mid 1990s there were clear tensions between the Tribal Authority and the community leader, who in 1996 approached the DLA to complain that the *inkosi* was continuing to settle people on the land (DLA KZN, KNA/7/1/3).

Relationships between the residents and the neighbouring Tribal Authority are not easy to plot. Unfortunately it has not been possible to investigate the ambiguous and shifting boundaries of loyalty, acquiescence and self interest among residents, both in their daily lives and in the way they present this relationship to outsiders, nor the gendered dimensions of these. What does emerge from the limited engagement with these issues during this research is that, while many residents accept the local *inkosi* as having standing within their community, many do not want their land to come under his direct control:

Inkosi was saying the land is his people want title for individuals (Interview).

The sparse official account of the recent history of this land contrasts with the far more personalised yet dislocated understandings of its status held by those living on The Gorge. People who were interviewed were not always clear that it was state land. Some thought that the community leader had bought the farm, others that it fell under the *inkosi*. This has added to the confusion about who is or should be in charge of the land and the allocation of sites:

As far as we knew, M. [the community leader] bought the farm. That is why we also asked for land from him.

There was a white person who owned this farm. Then Mr M. bought the land

Mr M. hired this land but later on it was given up by him, which is why it is now governed by *Inkosi*.

F. and whites from Pietermaritzburg told us the land was going to be bought for us.

DLA's processing of the project has been extremely laborious, with long periods of inaction attributable to the fact that in the early years there was hardly any staff to run projects outside the Pilot District. In 1996, two years after Minister Hanekom's approval of the recommendation to dispose of the land, a DLA official instructed the community that they would be able to use the R15 000 household grant to purchase the land from the state. According to the minutes of a meeting held in October of that year, there were then 79 names on the household list, of which 26 were female-headed (DLA KZN, KNA/7/1/3). There was no further progress till 1998, when state valuers put a purchase value of R300 000 on the farm. In August of that year consultants were selected to produce a preplanning report. They reported in July 1999 that there were 60 'extended families' living on the land, made up of 105 'family heads', each of whom occupied a homestead site of approximately one hectare. The total population was 628 people.

As in Mahlabathini and Ntabeni, the planning report expressed doubt about the economic prospects for the project (page 8):

The development options for the Gorge Farm are constrained by the fact that all the potential beneficiaries are already resident on the farm. The potential income that can be earned on the farm from livestock and cultivation is not high, although individual families will be able to boost their own income by engaging in independent activities (e.g. chicken broilers, food gardening, sewing). The principal benefit of the transfer of ownership of The Gorge will be the provision of security of tenure of the existing residents, and the formalisation of the de facto situation (DLA KZN, KNA/7/1/3).

General poverty levels at The Gorge are high. A 'Community Profile' drawn up in 1996 stated that almost all the households (72 out of 79) earned below R500 a month. Fifty-six household heads were unemployed. Nearly half the households (35 out of the 79) had no cattle. Twenty-four households had between one and five head, 13 had between six and 10, and seven had more than 10. At that stage 54 of the 79 households were reported as saying they favoured individual tenure (ibid).

The project was finally designated by Minister Didiza in October 2000. In early 2001 transfer of the land had not yet taken place as a number of important issues were still outstanding. One such issue was whether the original assumption that the beneficiaries would have to buy the land from the state, on which the Development Plan budget had been based, should apply. In early 2001 the DLA official responsible for the project proposed to the Minister that the purchase requirement be waived, in line with departmental policy on upgrading the land rights of long-term residents on state land. This policy had been approved by the Minister in April 2000 (before the project was designated) but had only just been drawn to the official's attention. If approved, this would make the whole grant available for developmental purposes, but would require a major relook at the Business Plan.

Another matter still to be resolved was the decision on what body or bodies would take transfer of the land. The process of defining the legal entity and determining the tenure system for The Gorge has been lengthy and disputed. In late November 1999 the Tribal Authority agreed to support the DLA project only if DLA agreed to cooperate with it (Interview). After difficult negotiations the parties agreed to the establishment of a joint project committee made up of six members from the Tribal Authority and six from The Gorge residents. In September 2000 a workshop report entitled 'Legal Entity Establishment' described the situation thus:

The process of setting up a land holding entity had been put on hold to allow the project manager to address and resolve the problems between the KwaMbotho Tribal Authority and The Gorge farm residents. With the establishment of a 12-member structure made up of both The Gorge beneficiaries and Tribal Authority members, project activities could resume (DLA KZN, KNA/7/1/3).

At the heart of the difficulty lies the ambiguity surrounding the status of the residents as beneficiaries of the project, which is linked to the broader political debates on the standing of Tribal Authorities not simply to represent the people living on non-tribal state land but also to own the land on their behalf. The Tribal Authority is clear that the land should be brought under its jurisdiction. The provincial DLA appears to favour a Communal Property Association (CPA), which would hold the land on behalf of the members of the CPA (ie those households registered as project beneficiaries). Many residents, however, want to secure individual title to their residential plots (i.e. in the name of the household head), and are uncertain whether a Trust or a CPA is most appropriate for holding the remaining land, which is to be designated as commonage.

Further complicating the process has been the DLA Project Officer's sustained attempts to ensure that women are represented as a constituency on the Project Committee, which is discussed below.

DLA's attempts to involve women

Until July 1999 gender issues received little attention in the project. Apart from noting the number of female and male-headed households, the early project documentation does not probe gender relationships but relies on unexamined concepts of household, family and community to describe project dynamics. The 'Pre-Planning Report' of 1999 did not make any special mention of women's interests or needs. Similarly, a workshop on legal entities that was held in April 1999 did not target women in its processes. Although the consultants contracted to run the workshop described their methodology as aimed at getting 'everyone' to participate and to establish people's level of understanding, they did not organise separate group discussions for women (DLA KZN KNA/7/1/3).

Since the current Project Officer took over the project in mid 1999, gender issues have received far more attention. This official, who has an NGO background, has intervened actively to encourage women to secure their rights. She tells the story of how women insisted on providing only their husbands' ID (identity) numbers, even when they listed themselves as the beneficiaries (Interview). One consequence was that the computer kept rejecting their names when the lists were submitted to a routine check with the Department of Home Affairs to confirm beneficiary details. It took her several meetings to persuade the women to give their own numbers and to list themselves as full beneficiaries. However, at least one of the women still regards her registration as nominal:

I am listed as the household head because my husband was not around when registration took place. But as he is my head, I still report everything to him (Interview).

The official's major effort has been to get women elected to the Project Committee but this has run into strenuous resistance from many quarters. The first challenge was to establish the joint committee of six representatives from the Tribal Authority and six from The Gorge residents. Once this had been agreed to, the next challenge was to get both groupings to agree to include women among their numbers. The minutes of a committee meeting held in July 2000 record that at that meeting it was agreed that 'at least two members of the Committee would be women and two would represent youth.' (DLA KZN, KNA/7/1/3). However, putting this into practice ran into difficulties. DLA was not involved in the process whereby the Tribal Authority decided on its representatives - 'We explained we would like to see democratic principles applied but we could not dictate' (Interview) In this case, only one woman was identified. In the residents' process, DLA was actively involved but here, too, the official was disappointed, yet firm:

All the nominations were male. So in terms of the principles we had agreed to, we immediately declared the elections invalid (Interview).

DLA thereupon called for separate meetings of the youth (involving both young men and young women) and the women (those regarded as full adults) to discuss with them their participation in the nomination process and 'what qualities we wanted.'

When we came back to the hall, to the surprise of our lives, all the nominations were men. The women did not put forward the women who had been discussed. So we opened up the meeting again for general discussion. Two women only were nominated and we said that in terms of the agreement they had to be appointed. ... The men were very impatient. ... They were saying: the women have nominated men so they are saying there are no women they want (Interview).

The idea of a quota system for women and youth was the official's. Her Project Manager, who had assisted her facilitate these elections, noted this incident as an example of how the integration of DLA's gender policy into the project cycle is left largely up to individual staff members - in this case, the official had 'insisted that men elect their own representatives and women their own' (Interview).

Although the official has enjoyed the general support of her Manager, she has not found useful gender

guidelines within DLA, to help with the challenges of her job. For instance, when she encountered polygamous households to be registered she could not find any manual to assist her with how to proceed:

You say: wow, how should I deal with this, and you have to use your own discretion.

She has experienced particular problems dealing with a Tribal Authority that holds very traditional view on the position of women:

They used to talk in a very derogatory way about me, like: that girl from DLA. ... You could see in their faces that they are thinking: this girl is speaking about land, which is not her business. ... At times when experiencing problems I have found it difficult as a woman to get through to the Tribal Authority in a way that I would have as a man. So I have in a sense resorted to complying in a way. Whenever I experience problems and see a dead end, I rely on male members in my [DLA] team I would usually brief them about what I want. ... He would give me a slot so I could say what I want, then I would hand back to him. It worked in that way

Over time she felt that she did begin to gain their trust - 'they got used to me.' She worries, however, that this has involved compromises:

See ... my standards are going down. All for the sake of the project proceeding.

Participation of women

Women have displayed a strong interest in the outcome of these processes by attending meetings - the minutes show that they regularly outnumber men at community meetings - and by signing their households up as beneficiaries. However, as the discussion above illustrates, they have been reluctant to play too active a role publicly. In the words of one of the women interviewed:

My contribution was that I was backing up those in front.

The Project Officer describes the situation in the following way:

The area always puzzles and baffles me. It is a farm community but they are not that backward. Mostly women attend the meetings - they number about 80%, which is understandable because most men are working away. But women don't have decision-making powers. You come to a point where they don't want to take decisions, they just keep quiet. I am working separately with women on AIDS projects and there I find them very active and vocal and powerful. But when it comes to community projects, you find that the decision-making aspect is very problematic (Interview).

She also recounts how women played a very active part during the conflict resolution process set up to resolve the committee structure:

They wanted the project to succeed, everyone was under pressure, it came to the point where they became very vocal. But when things reached the point where they balanced, they fell back to the old ways (ibid).

One woman who was interviewed corroborates the Project Officer's assessment by reflecting that separate meetings for women are important 'because we are free to speak if there are no men':

Even we as women gossip if a woman has been vocal at a general meeting. It once happened that a woman was warned by another one that she must talk less during meetings. She heard

people discussing her, about her talking too much at a previous meeting.

The social dominance of men in the community was acknowledged by women in their interviews. It is sanctioned by custom - the husband is the head of the household 'because it is the usual thing,' in the words of one. However, in private some admitted to a degree of scepticism about the basis on which this authority rested:

The husband is the household head because men want to be recognised as heads.

Men regard themselves as having better minds. For instance if someone comes to explain the project men become annoyed and they even express that.

As in the other case studies, the women who were interviewed were interested in the possibilities of joint rights with their husbands in their land. One woman thought joint title was best 'because if one of us dies our children do not interfere and say our house is theirs.' With regard to inheritance, this same woman thought 'the one who is responsible' ought to inherit, noting that girls were generally more responsible than boys. She also thought that women should be involved in the project process 'because we have our own views as women.' Her views were echoed by another woman who said she was not interested in having her own land because she already had land with her husband. She thought, however, that the idea of having her rights in the land registered separately from that of her husband was a good one, although she was doubtful about the prospects for this:

I don't think it is possible to have two separate title deeds, but if it is possible I would like to have my own because men are betrayers. He can leave me and go and build a house for another woman.

Two women liked the idea of land of their own but they also could not imagine it actually happening:

Though I can't say exactly what people would say to that, they won't accept it.

I don't think it will be OK, because I don't think a woman can handle land alone; we are used to sharing.

For most of those who were interviewed, the verdict is still out on whether land reform has been a success. One woman said that she would be in a position to recommend land reform to others 'only if we achieve something at some stage.' These sentiments were echoed by others:

Things are not clear yet, so you can't recommend it.

SECTION FOUR: CONCLUSION

In the concluding Section I return to a consideration of the two broad sets of questions posed at the start of this Report. The first concerns the disjuncture between policy and practice; in discussing this I draw together some general observations on DLA's attempts to implement a gender-sensitive programme of land reform which are relevant for formulating answers to the second set of questions. These, the more difficult questions to address, are about how the policy commitment to gender equity in land reform can be better and more effectively championed. Here I look briefly at the broader context within which DLA's efforts to promote gender equity must be located, noting that the dynamics in the wider society have indeed complicated its task. I conclude by outlining a number of proposals for forging a better fit between gender policy and practice.

Limitations and limited gains

The previous discussion on land reform in KwaZulu Natal confirms that there is a serious disjuncture between the high-level commitments of the 'Land Reform Gender Policy' document and the attention DLA has given to gender equity in the actual implementation of land reform projects. This is not to say that there have been no attempts by DLA officials to draw women into land reform projects. Nor, as the case studies indicate, does it mean that women who have been through the process do not see some benefits for themselves and their families in what has been achieved, despite the insubstantial economic prospects that the programme has offered them overall. These are peripheral gains, however, when measured against the lofty policy ideals. The limited achievements reflect wider problems in the way in which land reform has been conceptualised as a programme of government.

Limited achievements

In the first place, it is clear that national gender policy goals and directives have not been significant reference points in DLA's management of its staff, consultants or projects, certainly not in KwaZulu Natal. The Minister and senior management endorse the policy, but in the abstract. In the day-to-day tumble of government business they are wrestling with other political priorities and organisational demands. Their most common indicators of success for land reform - gross numbers of beneficiaries and hectares - are not gender-sensitive; in the management of the major socio-political pressures for rapid redistribution of land, the transformation of gender relations is the least of their concerns.

In KwaZulu Natal middle management is not held accountable for the policy by their seniors in the national office, nor have they been fully committed or sensitised to gender issues in their own project and staff supervision. As a result, consultants have not been monitored for compliance with generic instructions to consider the gender implications of their planning and to target women. The induction of new staff is limited and manager-dependent, and gender policy does not feature regularly in such induction that does take place. In the absence of concrete policy guidelines there is uncertainty among many staff about how to 'do gender'. They are not specifically rewarded for taking gender seriously - in fact, it may even work against them, because of the risk of spending too much time on delicate facilitation work or on 'gender policy' workshops. Without pressure from management, there is thus little incentive for staff to engage the complexity of gender dynamics in the field.

As a result, the implementation of gender policy has been driven largely by small numbers of relatively junior staff, acting out of personal commitment, who feel insufficiently supported (by management and the Gender Unit) in the field. Despite these constraints, they have managed a number of interventions that have gone beyond the minimum requirements of listing female-headed households or getting a woman elected to Committees - for instance, securing the third water pump at Mahlabathini, and making strenuous efforts to get a quota of women involved, against considerable opposition, in The Gorge. But such efforts have tended to be *ad hoc*, dependent on the initiative and energy of the Project Officer at the

time, and difficult to sustain across the full project cycle or replicate consistently in other projects.

To date the most tangible achievement by DLA in support of its *White Paper* undertakings to gender equity have been at the formal, constitutional level. Endeavouring to see that some women are put on the initial Trust Committees appears to have been DLA's most consistent intervention. This is not insignificant - it allows for community debate on women's place within land reform and has the potential to create a more positive environment for women within projects. Although the inclusion of women on land reform project committees has not come about as a result of extensive organisation and lobbying by women beneficiaries themselves, there are interesting parallels with the constitutional gains made by the women's movement at the national level, where gender equality was entrenched as a fundamental constitutional principle. In many ways the principle is far in advance of social reality within the country, yet it opens up a space for women to fight for gains in other spheres. Similarly, the presence of women on committees could open up a space in land reform projects - provided that once the opportunity has been created, it is maintained, defended and utilised.

This is where the limitations of the achievements, along with the weakness of DLA's conceptualisation of gender equity in practice, becomes exposed. Women's presence on land reform committees does not translate automatically into their more active authority within projects, although the potential is there for individual women with the standing and personality to make an impact in individual projects. Nor can one assume that having women on a project committee automatically translates into their championing women's interests, as the Mahlabathini case study shows and The Gorge process may yet reveal. Even where women's general contribution to project activity has been more visible and active than at Mahlabathini, as in Ntabeni, the women on the committee have tended to play a junior and supportive role in relation to the male committee members, that has not substantially challenged gendered power relations. Furthermore, as is discussed further below, DLA has not taken steps to ensure the longer term viability of this early intervention in the management of community affairs, so that once it has exited a project, ongoing support for women on project committees becomes even less certain.

Limitations of the project cycle

A major problem in the implementation of gender policy lies with the nature of the project cycle itself. Under real pressure to improve the throughput of projects, DLA has, over the years, worked very hard to standardise the project cycle by determining a series of phases, each with their particular requirements and milestones, through which all projects have to pass. The conceptualisation of land reform has become increasingly technicist - for many managers and project staff it is a series of steps along a project cycle where the primary goal is the legal transfer of land and budgets as quickly and efficiently as possible, usually under difficult conditions.

There is now relatively little space for improvisation in terms of the steps or the sequence of steps that have to be followed. There are interesting contrasts here with the arguments advanced by Goetz (1977) and Jackson (1997) concerning field worker agency in the interpretation of policy in particular development projects in Bangladesh and eastern India respectively. In the development projects these authors studied, field workers tended to have considerable autonomy in how gender policy was interpreted and applied, in part because of loose management controls over field workers in rural villages and also, it would seem, because the rural development projects in which these field workers were deployed were less conducive to the imposition of tight technical requirements than a land reform programme defined narrowly in terms of the legal transfer of land.

While there is room for discretion in the manner in which project officers engage with land reform communities and sectors, and a number of officials have used this opportunity creatively, DLA has not designed a process that is amenable to extensive discussions and time-consuming facilitation around complex issues such as gender equity and the status of women. Not only is an extensive social process difficult and time-consuming; it is also expensive. Requiring consultants to hold separate meetings for men and women, for instance, means larger budgets. Prolonging the process pushes up the internal staffing

and resource costs. It also makes staff and managers more vulnerable to charges of inefficiency and tardiness in meeting national targets. The pressure on provincial offices to complete projects in as short a time as possible is set to become even more pronounced - in her budget speech in Parliament in May 2001 the Minister spoke of the need to shorten the project time line:

I have been given assurance by the senior management of DLA that my instruction to drastically reduce the project cycle for land delivery, which at present stands at an unacceptable minimum of nine months for the completion of one redistribution project, is being heeded (Minister for Agriculture and Land Affairs, 2001: 3).

Yet, as the case studies make abundantly clear, an extended social process is exactly what is required if the DLA's gender policy document is to have more than a largely symbolic or rhetorical function - if women's presence on committee structures and listing on beneficiary lists is to be more than token, and both men and women are to be challenged to review their gendered practices, assumptions and prejudices. The process of establishing legal entities is in itself an enormously complex undertaking that cannot be hurried if DLA wants to be sure of a minimum level of understanding among beneficiaries to underpin the new structures after they have been formally set up. (On this point, see also Trench, 2000.) The challenge is even greater if gender equity is to be one of the constitutional requirements. Simply getting agreement on the representation of women on The Gorge committee and then organising their election to the Committee took several months and considerable effort on the part of DLA, and once the official's quota had been met, women's active involvement in the project was by no means assured.

Furthermore, the DLA is not in full control of the process of moving a project from initial application through to final transfer of the land, but has to contend with many outside players and social forces that cannot be neatly marshalled by government. This is not to discount the enormous need for the government to become more effective and efficient in its interventions, but it is to caution against the speed at which formal requirements are met being elevated to a measure of 'good' land reform. There are two aspects to consider here. One, which is discussed further below, concerns the real tension between social transformation and rapid delivery of land, which poses serious political challenges and choices for South Africa's young and unstable democracy. The rapid delivery of land to people who do not have the social and economic resources to manage or develop that land is at best a short term solution to their expectations that land redistribution will make a major contribution to social and economic redress. The other is that even transferring land in as minimal and efficient a manner as possible takes more time, resources and cooperation from non-DLA quarters (including beneficiaries) than most analysts seem to realise or politicians are willing to admit. Once the redistribution of land is linked to infrastructural development or productive projects, the time required increases still more.

The relative inflexibility of the project cycle also means that issues cannot easily be revisited once people are back on the land and different approaches tried from the ones that were originally planned, in the light of new experience and insights - for instance, to look at the possibility of allocating separate plots for women, or revising the Trust document to guarantee that there will always be women Trustees. The project cycle requires the drawing up of the Business Plan and the allocation of the limited budget at a very early stage in the process. Yet, in the words of one DLA official:

People are not always ready for discussions at the time when they are scheduled or required - it is only once they move on to the land that they realise (Interview).

This insight is not catered for by the project cycle. The nature of its phases and milestones makes it difficult for DLA or other tiers of government to revisit decisions about how money is to be spent or the community to be organised once they have been made, which restricts the opportunities for new ways of thinking about land and gender relations to take root and bear fruit.

Limited longer-term security for legal gains

The pressure on DLA to exist as early as possible after the land has been transferred, coupled to the lack of institutional back-up from other levels of government or the NGO sector in many land reform communities, also means there is little or no ongoing developmental support for land reform projects once DLA has moved on. This raises concerns about the longer term security of the limited legal rights that women in land reform projects have gained to date. Mechanisms for ensuring that women will continue to be regarded as eligible to serve on project committees in the future have not been developed. All three case studies show that the effective functioning of legal structures set up to manage the land after transfer cannot be taken for granted; most will require ongoing support and training that is not readily available. In all the three case studies there is little evidence of ongoing NGO involvement around these issues after the land has been acquired and the legal entity set up. The level of support available from the local government structures that are in place for this sort of intervention is even weaker. The pressure in communities to return to a more familiar set of practices - less formally individualistic, more pragmatically consensual, as in the case of Mahlabathini - is considerable.

Nor have the land rights that women have obtained as listed beneficiaries or members of beneficiary households been secured for the next generation of women. While the case studies reveal evidence of some support for women's rights to inherit land, including among some of the men, this is by no means widely sanctioned and project constitutions do not specifically provide for it. Many men express strong resistance to female inheritance, which is seen to threaten the continuity of the patrilineal homestead and its interests as a community of men over time; women whose security and identity are bound up with this form of the household share these reservations as well.

Limitations of the demand-driven approach to land reform

Another serious brake on the implementation of the gender policy is the demand-driven approach to land reform that has remained a cornerstone of the programme since 1994.

The rationale for this approach was spelled out in the 'Land Policy; Framework Document' of 1995, which listed 'a demand driven process' as the first in a set of principles that were regarded as necessary for land reform. While expediency and the constitutional compromises of 1993/94 played their part, the approach was defended on the grounds of responding to what 'people' want:

Previous land policies have operated from the basis of a government initiated plan. This resulted in inappropriate programmes being foisted upon people. Land reform intended to create equity must have a fundamental operating premise, namely that the Government acts as facilitator and part-financier to respond to expressed demands and needs by programme participants. This means the establishment of demand as a driving force in the programme (DLA, 1995: 3).

This approach has been carried through into the new policy dispensation where, again, the justification is couched in the language of beneficiary preference and control:

... Beneficiaries can use LRAD for a continuum of projects Beneficiaries might want to access LRAD to achieve varying objectives, such as food safety-net projects, equity schemes, production for markets, and others. ... Beneficiaries, once informed about the options available within LRAD, select the desired amount of the grant according to their preferred own contribution (Ministry for Agriculture and Land Affairs, 2000: 9).

Much criticism has been levelled at the government's insistence on a demand-driven programme by land-sector NGOs and analysts. The main concern has been that this has meant that the state has been essentially reactive to market forces, rather than proactive in acquiring good, productive land for redistribution, at scale, and thereby transforming segregated settlement patterns and enhancing the

economic prospects of land reform projects in a planned manner:

One difficulty with the Redistribution Programme has been its application and market-led basis which has required applicants to apply for particular pieces of land, often without reference to need, available infrastructure or provincial or municipal planning (McIntosh et al, 1999: iv).

Less attention has been paid to the consequences of a demand-driven programme from the point of view of gender equity. A strictly demand-driven programme conflicts with the special targeting of women envisaged by the *White Paper* and other high-level policy documents, because it overlooks the way in which power relations and divisions within communities structure how 'demand' gets articulated and by whom. It commits the state to responding to applications from already constituted groups, in which, given the social reality on the ground, it is likely that the leadership will be male and women's role a dependent one.

The first phase of land reform worked with an undifferentiated view of the deserving, unjustly treated poor, which failed to take full account of hierarchies within poor communities, including those of gender. The second phase also works with an undifferentiated notion of the land reform applicant, in this case as potential entrepreneur, which also removes responsibility from government for the way in which demand for its 'products' is organised and who accesses them. In this respect there is little difference between the group focus of the first phase and the individual focus of the second. From the point of view of empowering poor rural women to participate in land reform, it could be argued that there are even more serious disadvantages in the second phase. The case studies make clear that had the LRAD approach been in place from the start of the land reform programme, very few, if any, of the women of Mahlabathini, Ntabeni and The Gorge would have been in a position to access land through the land reform programme as individuals. It is very difficult to see women in communities such as these having the skills and confidence to prepare an application for the new programme or mobilise the resources to hire a 'design agent' to assist them. Without strong support from government officials or NGOs, most women will be marginalised.

Household interests and relative gains

The final point to engage in this sub-section is an assessment of the relative gains women have made through land reform to date, and the implications of these for policy development.

Until now DLA has based its land reform programme on a largely unexamined model of a relatively homogenous community made up of essentially stable and implicitly egalitarian households. A major consequence has been that women have not gained individual rights in land in the first phase of land reform. Even where they have been listed as independent household heads and as beneficiaries, their access to land has been mediated overwhelmingly through their participation in patriarchal households. As many of the women interviewed in the case studies pointed out, this leaves them vulnerable to losing their access to the land if that household breaks up. Many were acutely aware that this was a real threat. Because of this and because of a strong commitment to gender equity conceptualised in terms of individual rights, many gender activists have advocated independent land rights for women as a major goal. (See, for instance Sunde, 1996 and Hargreaves and Meer, 2000.) For this reason, the new LRAD programme is seen to hold out some possibilities for women, even though there are concerns about its class focus and the limitations of a development strategy that is tied so narrowly to agriculture.

However, what this research suggests is the need to couple opportunities for individual rights with a deeper appreciation of the importance of household membership in poor women's lives - to recognise rights to household resources as the focus of gender-sensitive policy development and advocacy work as well.³³ Many women beneficiaries endorse DLA's household model. In the case studies women have

³³ Debbie Budlender has pointed out that an exclusive focus on individual access to land rights could prejudice

played an active part in securing their household interests, whether as supporters on the side or as more active albeit subordinate participants in the process. In a number of instances women took the initiative to ensure that their households were included on project lists. In all three case studies they displayed a keen interest in progress. While a minority of women were interested in the idea of independent rights in land, separate from that linked to their husbands or families, few advocated this as the solution to their problems. Women were, rather, more interested in mechanisms for securing, even extending, their rights in land within their households, including through such mechanisms as joint title and individual copies of title deeds. (They were also interested in the process being speeded up as much as possible.)

In this context, what is noteworthy about the case studies is the degree of satisfaction women in Mahlabathini and Ntabeni express with the relative gains they have made through land reform in comparison to what they experienced before. Clearly, land reform has had very little impact in terms of economic gains by women, whether as independent agents or as members of beneficiary households. (It also needs to be noted that land reform has hardly worked in this regard for the men of these communities either.) However, the security of tenure that has been achieved, linked to the improved access to very basic resources such as water, wood, and thatching grass that has accompanied this, has been experienced as positive by the women in these poor communities. Land reform has provided a base for modest material advantages in the daily struggle to piece together a living; it has also enhanced less tangible but valuable feelings of identity, of belonging - perhaps even, dimly, of citizenship.

Clearly most women have not had the opportunity to consider individual land rights as an option, and fear the consequences of social disapproval. However, what the women in the case studies are also signalling is that they have a strong interest in household and community rights in land in themselves, which needs to be respected. While the patriarchal household may be a site of oppression for women, it is also a source of identity, material and emotional support, and membership in a social network that is often the only effective resource poor women have. This is borne out by the general literature on the 'multiple livelihoods strategies' of the rural poor, in which individual survival is often dependent on the ability to benefit from a variety of income sources garnered by different household members. The relationships within rural households are complex and multi-dimensional - and increasingly vulnerable to dissolution in ways that do not necessarily enhance rural women's life chances. The impact of HIV/AIDS is likely to exacerbate this problem. The Mahlabathini case study, in particular, suggests the importance of social bonds in household and community networks for the survival and (relative) well-being of very poor people. Strengthening these bonds is, therefore, important. So, too, is developing strategies for supporting transformation of unequal gender relations within households rather than advocating a politics of withdrawal from patriarchal institutions.

From this perspective gender equity in land reform must be seen as an outcome of a broad programme of social change and rural development. This begins to take it beyond DLA's brief, budget and capacity, and leads on to the second set of issues.

Defending and extending the gains

This research project has asked why the gap between policy and implementation, principle and practice has been so persistent, and what can be done to make for more effective policy implementation in the future. A number of dynamics in the wider society emerge as important constraints on policy development and implementation, beyond the limitations within DLA itself. These include the relative unimportance of both land reform and gender policy in the state's list of priorities, as well as the absence of a strong women's movement to raise the political stakes around gender policy.

Yet what also needs to be considered is the untidy intersection between programmes around gender equity and larger processes of social change. An uneven and unpredictable process of social change is

nuclear households headed by single women, who would not have the benefit of the double allocation of land rights that married women would be able to enjoy (Personal communication).

underway in rural areas with regard to gender relations, which is rearranging the contours of gender relationships and opening up some opportunities for women to claim more rights. It is difficult to work with this process within the timelines of land reform. It cannot be contained within the project cycle, nor timetabled within budgets and quarterly work plans, nor contracted out to consultants for implementation, nor directed by Ministers. Nevertheless, it does mean there are openings through which gender-sensitive policies may be promoted in land reform projects. Here what needs to be appreciated are how interventions around land ownership or community representation or individual rights for women may have larger, unexpected impacts on the ebb and flow of daily life in beneficiary communities. Such interventions may continue to reverberate positively in subsequent negotiations around social relations between community and household members even after the government officials (and researchers) have moved on (as suggested by the way in which some of the women remember the early external interventions in support of their participation in the Ntabeni case study).

Shifting the focus beyond DLA

Much of the critique of land reform has focussed on the limitations of DLA's policy and practice. This has been true for its gender policies as well. The implication is that if only DLA could get its priorities and practice right, then the problems of delivery and of continued inequity in the way in which the benefits of land reform have been distributed would be overcome. Clearly, as this Report has demonstrated, there are major weaknesses in the way in which gender policy has been managed within the DLA; improving on these would certainly make DLA's commitment to gender equity more effective in the future.

However, to focus only on problems within DLA is to underestimate the nature of the task. Land reform that is more than the mere transfer of land to individuals or communities depends on harnessing the resources of other government departments responsible for planning, service delivery and economic development, as well as mobilising organs of civil society. As the discussion on the KwaZulu Natal projects brings out, challenging practices which inhibit women's full participation in land reform requires an investment in capacity building, in women's organisation, in information dissemination, in alternative systems of community government, in access to resources to confront violence against women, in education programmes around HIV/AIDS ... the list is formidable and goes way beyond what DLA has been set up to provide. One government department cannot carry the full load in transforming gender relations in the rural areas.

On the side of government, there are currently a number of significant constraints in how far it will go in this regard in any case. The task of promoting women's rights in land reform is complicated by the fact that neither land reform nor gender equity are major priorities of the ANC government. Notwithstanding the political attention that land reform continues to demand, urban-industrial concerns prevail; the state resources, budget and support allocated to land reform continues to be very limited as a result. At the same time, the political choices that the government is making with regard to land reform also tend to work against the formal commitments it has already made to the principle of gender equity. Both the priority accorded LRAD and the complicated 'politics of traditionalism' that the government is attempting to negotiate in relation to traditional leaders limit its active support for the principle of gender equity.

Also working against gender policy implementation is the relentless pressure for the speedy return of land coming from land reform communities, including women, which works against the slower processes of facilitation, socio-economic data gathering, information sharing, discussion, reflection, consideration, testing, and reviewing that is involved both in the empowerment of women and in promoting more long term rural development.

Overcoming the government's reluctance to prioritise gender commitments in land reform will require more political pressure than is currently evident. As noted, the women's movement is largely urban and fractured. The absence of strong rural women's movement continues to be a constraint. There is an important role here for the NLC and its affiliates to refine and operationalise their own commitments to 'gender equity' and, in the process, move beyond merely criticising the policy gaps and shortcomings at a

relatively high level of abstraction.

Forging a better fit between gender policy and practice

What are the implications of this work for promoting better gender policy and better practice?

Firstly, a number of fairly obvious recommendations flow out of the earlier discussion about the weaknesses and limitations of the way in which gender policy has been conceptualised and managed to date. To move DLA's gender policy from the generalities of its first-tier documents to more project-specific content in its second-tier documents will require a much stronger commitment by management to oversee the development of operational policy and its implementation within projects. Raising the political/performance stakes around gender and the accountability of senior managers and Minister and government for gender reform through land reform is important; it will require continued pressure from gender activists within and without DLA and its sister departments to ensure that this is achieved.

What is also required is the development of gender-sensitive project management tools as well as appropriate indicators of progress towards policy goals. The reliance on ungendered body counts and total land area transferred is not appropriate. An important issue here is finding a middle ground in the project cycle between the more flexible and facilitative approach necessary to accommodate the promotion of gender equity as part of a larger social process, and the more focussed approach geared towards moving projects as speedily as possible through the required stages in order to show delivery of results. The 'best practice' work of gender activists within the DLA has tended to examine how and where more gender-sensitive practice can be slotted the existing project cycle; what this work suggests is that the project cycle itself needs to be rethought to give more space to facilitation and, critically important, to provide for follow-up after land transfer has taken place. This will add to the time needed; this short term cost has to be measured against the far more damaging long term cost of not securing the social foundations of projects adequately.

Strengthening the capacity of the Gender Unit to engage in a more practical way with the implementation process, by developing concrete guidelines on best practice and checklists for project management within land reform, is also important, as is expanding this capacity to the other implementing departments, particularly at the level of local government and in relation to post-land transfer community development. There are also important steps for DLA and other government departments to take to put in place a staff and human resource strategy that supports its gender policy - building gender sensitivity and the implementation of gender policy into performance assessments, developing the quality of induction processes and of general training, and ensuring that good staff who are committed to gender equity enjoy job security, support and career opportunities that will motivate them to stay in the department.

Beyond DLA, the case studies highlight the important role played by external agents - NGOs and CBOs - in facilitating access by poor, disorganised groups to remote government offices and assisting them negotiate the unfamiliar requirements of the land reform programme. This work needs to be directed towards the new LRAD programme. NGOs need to develop strategies for supporting poor women's access to grants within the new LRAD programme and testing its commitments to 'marginalised' groups. They also need to lobby to make the policy commitments to women and to poverty alleviation more explicit. The implementation of the new policy must be monitored while the primacy of a land reform programme committed to poverty alleviation needs to be vigorously championed. At the same time, however, they need to be working to develop policy alternatives that recognise women's investment in (changing) households and communities as well as opportunities for independent activity.

Linked to this is the importance of developing a stronger, more grounded gender analysis through research, debate and interaction within and between government and civil society. The point is not to refine ever more sophisticated understandings of gender and gender relations as an end in itself. Rather, it is to develop an analysis that better links theory, policy and practice so as to inform a more strategic politics of land reform - one that sees 'piety in the sky' making way for policies and practices that advance

the demands of the marginalised for a place on the ground.

SOURCES

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Andries du Toit	Programme on Land and Agrarian Studies (PLAAS), University of the Western Cape
Michelle Friedman	Freelance consultant, formerly with the African Gender Institute
Ruth Hall	Centre for Rural-Legal Studies
Derek Hanekom	ANC MP, former Minister for Agriculture and Land Affairs
Samantha Hargreaves	National Land Committee
Gillian Hart	Department of Geography, University of California, Berkeley
Shireen Hassim	Politics Department, University of the Witwatersrand
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Lamlile Majola	Mahlabathini
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Nomsombuluku Majola	Mahlabathini
Twana Majola	Mahlabathini
Twista Majola	Ntabeni
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