

The voices of landless women: Fighting racism and sexism

Parliament recently endorsed a motion to expropriate land without compensation. This has direct implications for South African women who have been disempowered by racism and patriarchy over centuries. Recently the HSRC, along with key female stakeholders and activists, hosted a public dialogue where women voiced their opinions. *Thobekile Zikhali* and *Antoinette Oosthuizen* report.

During *apartheid*, black women in South Africa faced double discrimination, based on race and gender. The resultant poverty and inequality persists. Women's struggle to gain access to land is a central concern, delegates said at the dialogue themed "Landless women of South Africa: Expropriation of land without compensation". The outcome of the discussions formed part of a submission to the National Assembly Portfolio Committee on Constitutional Review dealing with the land issue.

At the dialogue, South Africa's Minister of Women, Bathabile Dlamini, said that the patrilineal system where land was passed on via the male line in a family should be challenged. "If you are a woman you benefit through your sons, not you. If you have girls only, the system throws you out because you are not counted. If you have problems in your marriage and come back home, you are treated as a non-human being," she said, referring to the names that divorced women were called in communities. One

word sometimes used to ridicule a divorced woman was 'uNtombifuthi', which translated to "you are a young woman again because you are back home".

Referring to the Department of Rural Development and Land Reform's (DRDLR's) "one household one hectare" programme, the minister said 50% of these hectares should go to women, not only for subsistence farming, but to empower women because land dictated power relations.

“THE PATRILINEAL SYSTEM WHERE LAND IS PASSED ON VIA MEN IN A FAMILY SHOULD BE CHALLENGED”

Nthabiseng Kgobokoe with sheep on a farm near Buhmansdrif in North West. Kgobokoe is a North-West University LLB graduate who decided to become a farmer instead. She leases a piece of land from an elderly couple from where she runs Batswana Farms & Training (Pty) Ltd. "The fate of people who work land that they do not necessarily own, is an important issue to consider in discussions on expropriation of land without compensation. I have to develop the portions, but everything I do has to be movable because the land is not mine."

Women seen as minors

Karabo Magagane, managing director of the Lowe Foundation, cited a clause from the Black Administration Act of 1927 (section 3B) which stated that a black woman who was in a customary union and living with her husband was seen to be a minor and her husband was deemed to be her guardian.

A DRDLR report on a land audit released in November 2017 showed that women owned less than 30% of agricultural land, 815 hectares, compared to the 2,425 hectares owned by men. Referring to the “one household one hectare” programme, she said one hectare was inadequate for a farmer.

Intentions, but no action

Adv. Karabo Kgoadira, a legal expert and rural women’s representative, said that women were still poorer than men despite comprising more than half of the population. This was despite several attempts to end discrimination, including a 1996 green paper on land reform, which expressed a clear commitment to gender equality in land ownership.

“In 1997, we had a white paper on SA land policy. It was conceded that a key contributory factor to women’s inability to overcome poverty is lack of access to and rights to land. The ANC-led government also guaranteed 30% representation for women on its own parliamentary list. In April 1997, the Commission of Gender Equality and the Office of the Status of Women [were] set up. But, we are still having discussions of women being landless. How?”

A woman farmer’s struggle

Nthabiseng Kgobokoe, a North-West University LLB graduate who was crowned the female entrepreneur of 2016 in the category “Best subsistence farming” by the Department of Agriculture, Forestry and Fisheries, shared her struggle to be taken seriously in a patriarchal



Beetroot from a piece of land leased by Nthabiseng Kgobokoe near Buhmansdrif in North West.

system.

After graduating in law, she wanted to become a farmer, but her parents had no access to agricultural land. She went to traditional houses to ask for permission to use land, but they first wanted to know who her father was and whether she had studied agriculture. Turning to the DRDLF, she was told to await the outcome of a local newspaper advertisement process. Eventually, an elderly couple agreed that Kgobokoe could lease their private land.

Kgobokoe emphasised the sensitivity of expropriation in the light of land being central to the wealth of the country, but added that the Constitution needed to ensure social justice. There was also a need to look at the secondary aspects of agriculture, including ownership of the oftakers, retailers and exporters supplied by farmers.

Women’s role in food security

The HSRC’s Prof Narnia Bohler-Muller, a human rights and constitutional law expert, said statistics from UN Women showed gender inequality to be a major cause and effect of food insecurity. “It is estimated that 60% of chronically hungry people in the world are women and girls. On average, women make up almost 43% of the agricultural labour force in developing countries. Evidence

indicates that if these women had the same access to productive resources as men, they could increase yields on their farms by 20-30%, raising total agricultural outputs in those countries to 2,5-4%. This would reduce the number of hungry people in the world by about 12-17%.”

Seventy per cent of employed women in South Asia work in agriculture, as do more than 60% of employed women in sub-Saharan Africa. In South Africa, 60% of women are involved in some way in the agricultural sector. This highlights the importance of developing proper policies and programmes that support women and recognise their contribution to food security.

Section 25 had to be read within the context of the Preamble of the Constitution, which referred to people’s rights to dignity, equality and freedom. “There is scope in Section 25 to allow for expropriation. Basically, the state should not be arbitrary in its approach to land reform and not being arbitrary means also taking into account the needs of women when we look at the distribution of land.”

Additional challenges

Cultural activist Nikiwe Bam warned that the government needed to look at the issue of borders when it considered land expropriation.

Europeans had arbitrarily drawn national borders, and inhabitants of Swaziland, Lesotho and even Zimbabwe might want to claim back land or insist on dual citizenship as their ancestors might have lived in a neighbouring country.

Bam believed it was crucial to involve traditional leaders. "If there are systems put in place and traditional leaders are introduced to those systems, then it could be possible to allocate land to women."

The leasing of state-owned land was a problem. "If you do not own the land, you will not be able to build permanent structures, which is unfair. The land must be given to the people and people should own the land. We cannot be restricted."

Understanding the importance of land

Youth activist Precious Banda said the land debate needed to correctly portray black people's understanding of land. She referred to the descendants of farm workers who were asked to leave farms where their forefathers were buried. "As black people, our bones are our heritage. If you leave that behind, you are disconnected from your past. When you have kids they will not know where you are from, they will not connect even when you tell them, and

[the farmer] will be farming potatoes on top of your parents' bones. That is why we need to politicise the question of land, we need to raise the issue that this is not a simple discussion. In this complexity, we must fight for women to be at the centre stage."

Banda also questioned the narrative that land expropriation would threaten food security. "Black people have been working the land of white farmers. If the land is in the hands of those that acquired it unfairly and forcefully, then food security is not threatened. So, the threat to food security just comes when the land must go to the rightful owners?"

She said women were very impatient regarding the question of land, and that government should not stand in their way.

"During the consultations, it has been painful to see women cry, sharing experiences of how they were chased from farms, refused permission to go and vote and lose their jobs when they do. We speak of gender-based violence. Women have suffered in the hands of men on farms, in the hands of those with authority. Women farm and work day and night but their children die of malnutrition. They work the land to farm food that they cannot afford to eat themselves. That will have to come to an end."

Khoen and San women: We need to reconnect our youth

The HSRC also received a written submission from the Khoen and San Women's League of South Africa in support of expropriation without compensation stating that the land of their ancestors was systematically taken from them from 1652 onward. They lost their stock, their grazing land and access to the plants that they foraged and the game that they hunted. "We as women have lost our birthright and source of life ... this resulted in generational poverty negatively affecting our lives and that of our children in all spheres of life." They said that their communities fell victim to substance abuse and teenage pregnancies and that they wanted to reconnect their youth with the land to teach them culture and ritual practices. To them, land therefore represents much more than economic activity.



Nthabiseng Kgobokoe with vegetable crop on a farm near Buhrmansdrif in North West.