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Equal Access to Land Ownership as a Catalyst for Enhancing Food Security in Rural: Experience from South Africa

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Abstract

This paper argues that land inaccessibility for women contributes considerably to their deprivation of economic opportunities. Secondary data through which peer reviewed articles and government Gazette on women and land served as the main source of data. South Africa is one of the countries that have critical challenges regarding land reform, with rural women having limited access and ownership to land. The argument presented suggests that the gendered nature of land distribution contributes to household food insecurity facing women in rural areas. The challenges appeared to be characterised by the skewed distribution of land and related gender and racial disparities. The paper found that customary laws are amongst institutional and systematic factors that posed challenges for rural women in acquiring equal access and ownership of land as compared to their counterparts. The paper concludes that limited access and ownership of land by women in rural areas have contributed to household food insecurity challenges faced by developing countries today. The paper recommends that the South African government should have land policies that prioritise gender needs to improve equal access and ownership to land by both men and women.

Keywords: Food Security, Food insecurity, Land Access, Rural Areas, Women

Abstrak

Tulisan ini berpendapat bahwa tidak dapat diaksesnya lahan oleh perempuan berkontribusi besar terhadap hilangnya peluang ekonomi bagi mereka. Data sekunder melalui artikel-artikel tinjauan sejawat dan Lembaran Negara tentang perempuan dan tanah dijadikan sebagai sumber data utama. Afrika Selatan adalah salah satu negara yang menghadapi tantangan kritis terkait reformasi pertanahan, dimana perempuan pedesaan mempunyai akses dan kepemilikan tanah yang terbatas. Argumen yang dikemukakan menunjukkan bahwa sifat distribusi lahan yang berbasis gender berkontribusi terhadap kerawanan pangan rumah tangga yang dihadapi perempuan di daerah pedesaan. Tantangan-tantangan tersebut tampaknya ditandai dengan

distribusi lahan yang tidak merata dan kesenjangan gender dan ras yang terkait. Makalah ini menemukan bahwa hukum adat merupakan salah satu faktor kelembagaan dan sistematis yang memberikan tantangan bagi perempuan pedesaan dalam memperoleh akses dan kepemilikan tanah yang setara dibandingkan dengan perempuan pedesaan. Makalah ini menyimpulkan bahwa terbatasnya akses dan kepemilikan lahan oleh perempuan di daerah pedesaan telah berkontribusi terhadap tantangan kerawanan pangan rumah tangga yang dihadapi oleh negara-negara berkembang saat ini. Makalah ini merekomendasikan agar pemerintah Afrika Selatan mempunyai kebijakan pertanahan yang memprioritaskan kebutuhan gender untuk meningkatkan kesetaraan akses dan kepemilikan atas tanah baik oleh laki-laki maupun perempuan.

Kata Kunci: Ketahanan Pangan, Kerawanan Pangan, Akses Lahan, Daerah Pedesaan, Wanita

INTRODUCTION

Women are the key role-players in enhancing food security, particularly at the household level. Women in rural areas are the main participants in agricultural activities; however, one cannot help but observe the plethora of challenges they face, such as limited access and ownership to land, cultural and traditional stigmatizations, lack of networking and support and more importantly, limited access to finance. In the South African context, it is well known that severe land inequalities between race and gender have led to food insecurity at the household level and sadly, little has been done to address this worrying observation. While Author and Author (2017) see equal access to land as a necessity for rural sustainable livelihood to improve food security status and inclusive rural economic growth, they lament the slow speed at which women have been given the support needed to ensure their growth agricultural sector, especially in the face on increasing food insecurity. Therefore, the paper argues that gender inequality in accessing and controlling productive resources is causative to food insecurity with evidence that the most vulnerable to food insecurity are women in rural areas. Worryingly, the Food and Agriculture Organization (FAO) (2015) indicated that not even 2 percent of the land is owned by women while they produce between 60 to 80 percent of the food, particularly in developing countries. Women are systematically excluded from being beneficiaries of land reform due to customary laws that do not permit them to enjoy land rights along with their male counterparts. Mutangadura (2004) noted with concern that South Africa is well recognised as one of the leading African states to promote democratic values and civil liberties, however, access and ownership to land is still indirectly discriminating against women in rural settings due to the patriarchal nature of rural areas in South Africa.

Menon & Dixit (2013) argue that even although the Universal Declaration of Human Rights under article 14 pledged to improve the rights of rural women to equal access and ownership to land. However, in most African countries particularly in rural areas women still have no rights to land ownership because customary law gives authority senior males in the households to acquire land (Ogunlela & Mukhtar, 2009). The focus of this paper is to examine access and ownership to land by women residing in rural areas to enhance food security. The paper commences by providing a context based on the review of selected literature on dynamics and challenges to access and ownership to land by rural women. The overall finding reveals that food insecurity in rural areas has caused by unequal access and ownership to land between man and women. Man in rural areas is unfairly accessing and owning land because favoured by customary laws which are patriarchally oriented which have to result in low agricultural production and persisting food insecurity at the household level.

RESEARCH METHOD

This paper made use of secondary sources where the review of literature was undertaken. The purpose of this approach was to broaden understanding the efforts that have been undertaken by South Africa to ensure equal access to land in order to ensure effective food security. In particular, this approach ought to contextualise the role women have played in this regard. There have been many studies undertaken to understand the role of women in ensuring food security in south Africa however these studies have not greatly dwelled into the unequal nature of land ownership in south Africa and how this continues to disadvantage women in regard to equal land ownership. Therefore, the vast availability of data and the employed research approach allowed the study to draw analysis, commentary, opinion pieces and scholarly contributions, sources which are very important in allowing the study to conclude a wide range of sources, hence the reasoning behind the use of this methodological approach.

RESULT AND DISCUSSION

Land access and ownership for rural women: realising food security

Food security is a fundamental indicator of the realisation of human rights across the globe as the right to food and other essential needs are entrenched in universal human rights as well as our very own Constitution of the Republic of South Africa section 27 (1) (b) of the Bill of Rights. Irrespective of the previously downplayed role of women in the society concerning the provision of basic needs to households, women across the world are a major providers of food households, therefore, they are considered contributors of food security, (Bob, 2008). Irrespective of the great strides made about the issue of land reform, only a small percentage of land rights are recorded worldwide. In this small percentage of registered persons with land rights, women are the least secure as far as access to land rights is concerned (Akinola 2018). This is a major indicator that major gaps exist between the law and practice. Laws across the world more especially in developing countries including South Africa have made provisions to empower the preciously disempowered with the major focus of women in rural areas.

Bob et al. (2018) wrote in great length about the distribution and access to resources amongst women and men in society more especially in the rural areas. He further indicated that socially constructed relationships between women and men have for ages shaped the perceptions and attitudes of society more especially in developing countries. However, this paper argues that even though such relationships have been for ever present, governments in developing countries have failed to address this social misalignment and as a result, they have compounded the potential the growth and consolidation of women in agriculture. Moreover, issues of land access and ownership in developing countries more especially in rural communities have always been highly political and gendered. The gendered criteria have always been used mostly in developing areas concerning the access and allocation of land as women in many countries do not enjoy equal rights to inherit or own property (Payne, 2004). What's most ironic about such observations is that even though politicians in developing countries (who are most males) acknowledge that women are key to food production and distribution, however in terms of policy with regards to land ownership, women are side-lined, and hence the increasing scholarship advocating for the equal the representation of women in land ownership with regards to agricultural development. This has had far-reaching consequences for women more especially in rural communities. Authors such as and Yanou (2006); Classens (2007) have expressed the same views indicating that the historical position of women in society more especially rural areas has significantly contributed to the current position women hold in terms of access and ownership of land. However, another point of argument from this paper contends that the obsession towards women their unequal access to land ownership needs closer observation, while women are disadvantaged in terms land

ownership, considerable attention should be directed to governments who have for decades failed to address this highly debated and politicized issue, efforts to address this issue should be driven by state policy, something which has greatly lacked in developing countries. Authors such as Author & Author (2017); Dlamini and Ogunnubi (2018); Amusan (2018) have attested that food production and food security are negatively affected by inequalities in access and ownership of land and another productive resource. In the absence of secure tenure, women in rural area's efforts about agriculture production run the risk of not being adequate to address the issue of food security in rural households. Future production possibilities and decent earnings to sustain their livelihoods are threatened by the lack of secure land access and ownership.

Effects of land inaccessibility and ownership on women

Women in society (especially in developing countries where the lack of representation is poor) have historically been systematically oppressed through various laws and social norms within their respective societies. Moagi (2008) & Dyubhele; le Roux & Mdddears (2009) agreed with Ngomane (2016) that there is a lack of access and ownership to land by rural women. While issues such as government policy misalignment and lack of support and networking opportunities for women have largely been blamed for this, the inability to address the widespread cultural and traditional values which continue to suppress women means that food insecurity is likely to be a constant feature in rural areas. Denying women access and ownership to land is denying them the opportunity to alleviate food insecurity in their respective households which consolidates poverty and inequality.

Moyo (2013) indicates that the lack of secure land access and ownership has proven to be detrimental not only to the human and economic development of rural women but also to the well-being of their families. This is because the majority of women in rural communities are the breadwinners and are primarily responsible for providing food to their families. Rural women's insecure status as far as land is concerned has been documented to increase their vulnerability to abuse and exploitation as lack of access and ownership of land exposes rural women to food insecurity (Blom, 2006 & Cross 1999).

The majority of the world's resource-poor farmers are women, and this observation can be seen in South Africa. Globally, women are observed as being primarily responsible for ensuring that their families are food secure, (Author and Author, 2017). It should be taken into cognisance that a majority of people more especially women in rural areas have none or limited formal education therefore prospects of formal employment are very slim. Shilubane (2007) argued that the lack of literacy means lack of skills, which result in lack of employment. Illiteracy may account for the 23.8% of people living in poverty in South Africa and women make a considerable amount of this figure. Moreover, UNESCO, (2016) communicated that it is estimated that the province of KwaZulu-Natal alone has about two million illiterate people. As a result agricultural activities become the means or source of employment rural population have to sustain their livelihoods. Author and Author (2017) emphasized that without secured tenure, women in rural areas cannot have access to credit and agricultural associations. This is a great disadvantage as a lack of good agricultural association's results in inadequate processing and marketing meaning women do not have access to the wider market with regards to their produce.

Barriers to accessing and owning land for women in rural areas

There are a plethora of challenges which have been observed as barriers for rural women to accessing and owning land, some of which have being in brief discussed in the foregoing discussions. For example, in many African countries, irrespective of the progress in terms of

legislation and policies aimed at eliminating undue discrimination and oppression among the previously disadvantaged and marginalized members of the society, little progress has been documented in that regard. Bob (2008); Du Guerny & Topouzis (1997) emphasized the negative impact of societal attitudes more especially amongst rural communities towards granting land ownership to women. Agarwal & Bina (1994); Brottem & Ba (2019); Khuzwayo et al. (2019) & Meinzen-Dick et al. (2019) indicated that some studies have revealed that rural communities shared strong sentiments that women must not be given the allowance to own land. These conservative attitudes towards gender land access and ownership have been documented in numerous studies, which again underlie the extent to which patriarchy is still prevalent.

Bob (2008:61); Du Guerny (1997:17) have expressed concern about the effectiveness of the land reform programme. The Communal Land Rights Act has failed to address the issue of equal opportunity for men and women accessing and owning land in rural areas irrespective of such rights being entrenched in the Bill of Rights chapter 2 of the constitution of the Republic of South Africa. The Act's inability to adequately address the issue of women empowerment as far as land access and ownership is concerned has impacted negatively on women in rural areas and their ability to reduce food insecurity in rural households (Khadijah et al., 2022). Jankielsohn & Duvenhage (2017) indicated that it is quite overwhelming and disappointing that irrespective of legislation, laws and all measures in place concerning women empowerment, little change has to been observed. Women now are still experiencing the same challenges that have perpetuated the need for land reform and new legislation that gives effects to international instruments concerning human rights.

Prevailing social behaviour in rural communities is also a barrier towards the realisation of women's rights to access and own land. Wing & De Carvalho (1995); Bohler-Muller & Daniels (2009); Scheidegger (2020) indicate that due to rural communities' social systems and socialization in general, rural women are perceived to be ignorant towards their constitutional rights hence they continue to be victims of discrimination and oppression. Yngstrom (2002) has supported this stance indicating that rural women have been socialized into internalising their traditionally ascribed roles, therefore, failure to take their rights and presented opportunities into cognisance. However, this paper reflects that this socialization, especially in a South African context cannot be viewed without incorporating the history of the country where colonialism and apartheid shaped how women (Ideologically) were seen in a post-apartheid South Africa, sadly often relegated to the kitchen and taking care of the man. It is for this reason that even though the land in rural areas is regarded as the most important factor of production, women's claim to the land is still determined by men resulting from culture, tradition and patriarchy reinforcement (Dery 2015).

The Social class among women in rural areas has also been seen as a barrier as far as access and ownership to land (Dery, 2015). The social positioning of women in society more especially in rural communities has also had an impact on the access and ownership on land Dery (2015) argues that being a woman (especially non-married) on its own in many societies does not guarantee empowerment or increased access and ownership to land. It is widely perceived that married or widowed women with children are regarded to have more access as compared to their single counterparts (Kuusaana, 2013; Chigbu, 2019; Reddy, 2020). This is evident in most rural areas where the position of women in their communities is determined by their association where single women occupy a less social status as compared to married or widowed women. Rural women are also confronted with unequal rights in family structures, where male children are seen as more deserving of land rights, this then compounds the suffering of women. The issue of unequal rights in family structures is a societal issue that has given rise to unequal access to productive resources such as land and capital. It is an issue of

socialization and community social systems that have given rise to patriarchy. However because there is less attention being paid to the gendered discrimination with regards to land rights in South Africa, women continue to fight equal rights within the context of land ownership, often lacking the needed support.

Rural women's lack of knowledge about land reform processes and this directly impedes them from owning land or knowing about the processes one needs to follow in order to own land (Yusnita & Anisyah, 2023). Moagi (2008) asserts the failure by rural women to acquire vital knowledge about land reform processes and procedures often leaves them vulnerable at the mercy of their male counterparts or leadership structures within their communities which are gendered to favour males. Those male counterparts, traditional and community leaders often take advantage of and cheat the women. Paustian-Underdahl et al. (2014) holds the same view that traditional leaders' perception and view of women's roles in their household, community and society as a whole harms women's access to and ownership of land, their development and sustaining the livelihood of their respective families.

The effects of customary law on gender equality

Mokgope (2000) holds a view that cultural beliefs, norms and social institutions are the widely identified hindrance towards achieving women's emancipation. The author argues that rural areas are highly characterised by customary and social practices which in most cases serves as a stumbling block towards women empowerment and total realisation of women's rights concerning land access and ownership. Blom (2006) & Moyo (2013) highlighted that it should be noted with concern that irrespective of laws and legislations calling for equal rights and opportunities, customs and patriarchal structures dictate norms and socially acceptable standard of living in rural areas. Traditional leaders are in charge of the distribution of land in rural areas, therefore, being custodians of their customs, they overlook supreme law in favour of their traditions and customs. Ngomane (2016) noted with great concern that as a result of customary and statutory legal systems, women have fewer benefits and greater burdens than men. Kehler (2001) shares the same view that South African Women more especially those in rural areas are constantly subjected to lack of access to resources and basic services.

Irrespective of the laws, processes and programmes aimed at empowering the previously disempowered, little impact has been witnessed. Cross (1999); Jiyane & Mostert (2008); Dlodlo (2009); Moyo (2013) have argued that lack of knowledge about their rights, process and training are some of the factors that contribute towards rural women's vulnerability to poverty resulting to food insecurity. Recently, in *Rahube v Rahube* (2019), the Constitutional Court had to decide whether provisions of the Upgrading of Land Tenure Rights Act 112 (1991) were constitutionally invalid in that they automatically converted holders of land tenure rights into owners of property without allowing occupants and affected parties an opportunity to make submissions (Smith, 2008). Although this case concerned the invalidation of certain provisions of the legislation, it highlighted how the law has historically deprived women of ownership rights to the property. As the court noted, "the African women suffered three-fold discrimination based on her race, her class and her gender" (Rahube 6).

Although the situation has not been too dissimilar under customary law, some court decisions have made changes to the legal regime. Under customary law, the land has historically been allocated by the traditional authority to the head of a household. The 'head' of the household would in all likelihood be understood to be a man, in this case, either a woman's father or her husband (Bekker et al., 2006).

This understanding of the 'head' of a household also found resonance in legislation. Proclamation R293, which was promulgated in terms of the Black Administration Act 38

(1927) defined the head of the household in specifically gendered terms. As acting justice Goliath points out in the Rahube judgment, sections 8(1) and 9(1) envisage "a situation where only men could be the head of the family, with women relatives and unmarried sons falling under their control". This leaves African women, both under customary law and colonial and apartheid legislation, in a position where they cannot legally be the owner of or exercise control over land. Although the position outlined above has been generally accepted, Nhlapo (1995) argues that the process of the creation of the customary law under the Colonial and apartheid systems "usually took the form of an alliance between the colonial authorities and African male elders who, being the holders of 'strategic' resources in the form of land, cattle, women, and children, defended their vested interests by promoting the growth of rigid rules in place of custom when the latter system could no longer protect them from the effects of change".

Potential gains of improving land accessibility and ownership for rural women

The Food and Agriculture Organization (FAO) of the United Nations has consistently argued that improving women's access to productive resources such as land to results in a major boost as far as the agriculture sector output is concerned. The organization argued that increasing access and ownership to land will ultimately result in rural women being in a position to provide more food for their households, therefore, rural families reaping the benefits of better health through access to nutritious means as well as education (FAO, 2011; Justino et al., 2020).

Bob (2008) emphasized that improved access and ownership of land by rural women will promote women empowerment in the sense that women will have increased control of their lives and means of production in rural communities. This will ensure reduced food insecurity in rural communities as the majority of the population in rural areas are women and children living under the poverty datum line. Cross and Friedman (1997) assert that increased access and ownership of land by rural women will increase food security in rural households due to the difference in value women and men attach to land ownership. They further emphasized that as compared to men, women values land as a source of food production to sustain the livelihood of their households.

Access and ownership of land by rural women may be the key to increasing national food security (Author and Author, 2017). This is informed by the fact that rural women contribute significantly towards food growth in South Africa and the African continent as a whole. Dery (2015) supports this notion as he argues that granting rural women access and ownership to land will increase their control over land. This will enhance women's effective and inclusive participation in decisions about land use.

Some authors such as Dery (2015:41); Akinola & Wissink (2019); Rehman et al., (2019); Mwesigye (2020) stressed that secure access and ownership to land has the potential to enhance intra-household bargaining power. By the virtue of having access and ownership to land, rural women's status in the households will be elevated. This simply means that occurrences of domestic violence and oppressing conflicts will be minimised. This will, in turn, result in enhanced family relations as women will be afforded respect and recognition just like their husbands who own land. Galiè et al. (2019) suggest that increased access and ownership of land by women will result in increased confidence level for rural women which will ultimately empower women in terms of decision making roles in their families or households. An empowered woman is a powerful woman. Empowered rural women have the potential to become very productive members of society and contribute immensely to the economy. Derry & Diedong (2014) assert that increasing women's secure access and ownership to land could potentially improve the socio-economic status of rural households through the lessening of a burden for the husbands who are mainly the breadwinner. Two incomes are better

than one, therefore, owning productive land by women will increase food security within households.

Alleviation of rural food insecurity in South Africa has been a priority for the democratical government. With this being said, the government on its own is not in a position to fight food insecurity (Moyo, 2011). Increasing access and ownership to land for women will ensure that women become active participants in the fight against poverty-related issues including food security. Having secured access and ownership will have increased rural women productively and output which will, in turn, lead to great income generation and creation of employment in rural areas. Such economic growth in those rural areas has the potential to boost rural economic development. As the role of women in the agricultural sector has been emphasized as well as their dominance as the labour force, it should, therefore, be understood and acknowledged that rural households access to rely greatly on the work of rural women. Securing women's rights more especially right to access and ownership of land is a crucial strategy in enhancing food security not only in rural areas but nationally as well.

CONCLUSION

As reflected in the discussion rural women in South Africa have gradually have limited access and ownership to land. Without land, women became steadily less able to support their households through agricultural activities such as crop and livestock farming on which is their only livelihood strategy. The progress to implement equal access and ownership to land is hampered by government interventions including customary laws and patriarchal attitudes in rural areas. Therefore, the paper is affirming the importance of the right of access and ownership to land in rural areas should be not restricted by gender identity. The paper confirms that land is one of the crucial physical assets of rural populace particularly women to enhance food security and their economy. The paper affirms that food insecurity in rural areas has caused by the unequal distribution of land between men and women. Man in rural areas has favoured by customary laws to access and own land which has to result in low agricultural production. The subordinate position of rural women in society has a negative impact to improve rural development that caters to the needs of women since there are more vulnerable to food insecurity and other related poverty issues. This situation has led to a growing number of landlessness women in rural areas which consequently increase rural poor and household's food insecurity. Customary laws should not be misunderstood as if it advocates exclusiveness, but rather emphasises the importance of recognising the gendered differences to land access and ownership. It is suggested that the South African government should create a land system that prioritises women's social and economic needs that are founded on creating a viable rural economy based on the agricultural sector. Land policies should advocate and incorporate gender needs and improve access to information related to land issues that will enhance equal access and ownership to land by both men and women. This will address ongoing challenges of gender inequalities including gender-responsive policies to undo unfair distribution of land.

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