

Patriarchy and Poverty and the Effect it has had on Land Ownership and Housing of the Women: A Case Study in Badirile South Africa

Gloria Sauti
University of South Africa
gloria.sauti@gmail.com

Abstract

Housing is a fundamental human right and a home provides independence, stability and dignity. If women do not own land or homes, it renders them powerless. The majority of South African rural women are historically poor, illiterate or semi-illiterate, and have had no land ownership rights. Unable to make a living in the traditional male-dominated and underdeveloped rural areas, they migrate to white-owned farms, towns or the cities. This article is based on an extensive study of the women of Badirile, a semi-urban “black township” near Randfontein, east of the Johannesburg metropolitan area. I explored the plight of women living here over a period of three years, through qualitative analysis and as a participant observer. I analysed the many problems faced by these women who “escaped” from rural areas in search of better living conditions, only to remain marginalised, homeless and trapped in poverty. Lacking knowledge about their legal rights, they are denied access to land, secure housing and adequate homes. The research showed that this homelessness and all its subsequent consequences cannot be divorced from both historical and current issues.

Keywords: land; women; patriarchy; poverty; marginalization; land tenure; RDP homes; social cohesion

Introduction

What is land? It is essentially part of the earth’s surface that is not permanently covered by water. Human beings use land they live on for different purposes, such as economic activities, for example mining, manufacturing, and agriculture and social activities, such as recreation and housing. Access to land underpins economic development and social inclusion. Land tenure is the legally or customarily defined rules invented by societies



to regulate people's relationship with respect to land ownership and use. Security of tenure is a prerequisite for building secure and resilient communities. Elisabeth Wickeri (2011, 1) affirms that "Land is Life and Land is Power."

As stipulated in many international treaties, the right to adequate housing is a fundamental human right. Article 17 of the Universal Declaration of Human Rights, 1948, affords everyone the right to own property, of which they may not arbitrarily be deprived. Article 25 acknowledges that housing is a 'right to an adequate standard of living.'

Everyone has the right to a standard of living adequate for the health and well-being of *himself* and of *his* family. These include food, clothing, housing and medical care and necessary social services and the right to security in terms of employment, sickness, disability, widowhood, old age or lack of livelihood in circumstances beyond *his* control (*emphasis added*) (UN General Assembly 1948, 7).

Grammatically, Article 25 is gender biased, as "everyone" includes women as this is the explicit meaning in the English language of the word and is so understood in most countries.

The Bill of Rights (Section 26(1)) of the South African Constitution also provides that everyone has the right to access adequate housing. Accessibility means that the State must create conducive conditions for all citizens, irrespective of their sex and economic status, to access affordable housing. Owing to the legal limitation to this right, legal practitioners argue that the right is not absolute. In South Africa, there is a distinction made between agricultural and communal land. Under the Agricultural Land Act 70 of 1970, agricultural land is any area subdivided in terms of Agricultural Holdings (Transvaal) Registrations Act 22 of 1919 and communal land, in the Communal Land Rights Act 11 is "land occupied or used by members of a community subject to the rules of the customs of that community." (Southwood 2000, 2). Claasens and Cousin define community as "a group of persons whose rights to the land are derived from shared rules determining access to the land held common by the group" (2008, 109).

In 1997, the South African Parliament enacted the Housing Act 107, which sought to provide citizens and permanent residents with access to permanent residential structures with secure tenure ensuring internal and external privacy and to provide adequate protection against the elements. Noble as this may be, the Act had, according to the Court, no express provision to facilitate access to temporary relief for people in dire situations (Colasurdo and Marlin 2014, 279–304).

RDP Housing

One of the first initiatives adopted by the newly-elected African National Congress (ANC) government was the Reconstruction and Development Programme (RDP). This

was an integrated, coherent socio-economic policy framework, which sought to mobilise South African resources toward the eradication of apartheid and the building of a democratic, non-racial and non-sexist future. The programme included the provision of land, housing, water, electricity, telecommunications, transport, and jobs. It aimed, among other things, at building one million low-cost affordable housing units within five years. The RDP homes were built by the South African government and offered free of charge to the poorest of the poor. They were built on a small piece of land and contained three rooms and a bathroom (Padraig 1994–1999).

The issue of land in urban areas, including stands for sale by the local municipality, cannot be divorced from issues of housing, which permeates social conditions, policy and cohesion. Divorcing the issue of land from social policy only exacerbates existing societal ills, undermines the extent to which the lack thereof will continue to yield poverty, create dependence, and hinder the de-colonisation of citizens.

This article analyses a study conducted in Badirile Township, east of the Johannesburg metropolitan area. It is a semi-urban black township, surrounded by farmland, governed by the West Rand District Municipality. The majority of the residents migrated from rural areas throughout South Africa and Lesotho in search of work and better living conditions. The closest town, Randfontein, is 25 kilometres away and most women in the study group were employed at a local factory in Badirile and on some nearby farms. Representing Tswana, Sotho, Zulu, Xhosa, and Venda socio-linguist groups, their diversity was ideal for the purpose of this study and the arguments made in this paper. Exploring the limited access to land and land tenure of marginalised black women, the women provided a broad perspective on exclusions of and discrimination against women. Their situation, living conditions and perspectives present a true reflection of the realities on the ground and reveal the extent to which inequality and gender discrimination is rampant in South Africa.

Historic Issue 1 – Land ownership and women’s plight

During colonial times, there were major land grabs against Blacks. The term Blacks will be utilised here to include Africans, Coloureds and Indians. Apartheid, which followed, caused serious distortions in the distribution of land between Whites and Blacks. Post-apartheid land reform, which was meant to correct these distortions, has failed to empower the landless South Africans thereby preventing them from participating in the economy and making major contributions.

A significant amount of land has been awarded to Black South Africans over the last 20 years, as Carnegie, Cooper and Urquhard (2001, 33) suggest, but this is not agricultural land. This legitimately explains the continuous ills of land distribution. Erasmus (2013, 1) suggests that “land reform is a complete failure.” He quotes Vink, arguing that the government should have spent about R83 billion to distribute land in the last 20 years and that this amount should have been enough to purchase 58 per cent of all productive

agricultural land. He argues that only 10 per cent had been distributed by 2013. According to Vink's statement in Erasmus (2013), an additional three per cent of agricultural land has been distributed to date.

Hendricks, Ntsebeza and Helliker (2013) ask the question, "How are we to understand the many dimensions of this crisis in order to move on?" Evidently, new implementations and suggestions have historically failed to materialise. Even our neighbouring country, Zimbabwe, is not a good example. While Ntsebeza and Helliker suggest plausible solutions, the question remains how effective these will be to help make a difference in our time.

Apart from the actual failures in land distribution, Black South African women particularly run into a *cul-de-sac* where the possession of land is concerned. Women played a key role in the eradication of pass laws, racial discrimination and inequality against the majority of South Africans. Yet the majority of women, unlike their male counterparts, continue to experience the ills of deprivation of land, and exclusions in housing and work in *slave-like apartheid conditions both* in the rural areas on farms and in farm factories, in Badirile. Ndhlovu-Gatsheni (2012) affirms that "apartheid continues to hang like a nightmare on the body politic of the rainbow nation, refusing to die and continues to throw up toxic questions around the issues of belonging, citizenship, entitlement, and ownership of resources like land." This is precisely the reality that most of the Badirile women encounter. Hence, they argue that they have been excluded and left behind both in the rural areas and cities despite South Africa having been a democratic state for over two decades.

At the time of this study, more than 20 years into democracy, not much seemed to have changed in these women's lives. The perception of the majority was that conditions were worse than during the apartheid era. Most still lacked land and land that is distributed to Africans was and is still predominantly allocated to males, both in the rural areas and in the cities. Lack of land ownership automatically results in a lack of housing. Both land and housing ownership remained non-existent for the Badirile women. Section 26 (1) in the Bill of Rights stipulates that everyone has a right to housing. However, this, evidently, seems not to be the case for the Badirile women.

Historic Issue 2: Lack of Education

For three years, I observed and explored the lives of the Badirile women. What emerged while I taught these women to read and write, to enhance the skills they were taught in primary and high school was the following: 20 years into democracy, their lack of education still trapped them in poverty and contributed to their homelessness, landlessness, as well as the unacceptable working conditions under which they were employed.

The women I observed in Badirile were in their 40s, 50s and 60s but they were functionally illiterate. Some, I observed, were unable to write their names and could only count from 1 to 10. During my study, many were eager to make a change. They registered for classes that ran from 16h30 to 20h00. They were eager to learn to read and write but were often discouraged when employers extended their working hours during the week and over the weekends. This deprivation of education reminds one of the Verwoerd epoch when the Bantu Education Act of 1953 became law and was implemented to ensure that blacks were educated to become labourers. Frantz (1966, 153–156) affirms that “Bantu education is nothing more than an artificial resuscitation of outmoded tribalism”. These women struggle to lift themselves out of poverty through acquiring knowledge and education, standing up for their right to own land and have access to housing.

Title Deeds

During interviews when the women were asked whether or not they knew what a title deed was, they had no idea what was being referred to. When they were made aware of what a title deed was, they made remarks similar to those made by Malebo, who argues as follows:

Not once was there a paper handed to me that told me that we own the land we live on. I was always kept in the dark. My mother was equally kept in the dark. We were often restricted from asking any questions. My brother, younger than I, was either informed or asked to join in discussions. When my father died, we were told we do not own the land and that we could not develop it without the permission of the chief. We had to remain in good terms with the chief and stay in his good books. There was no security and we had to make sure that no false rumours got to the chief and as a result, my mother constantly worried where we would go if any false rumours reached the chief.

Sjaastad and Cousins (2008, 1–9) indicate that in a wealthy society, the idea of possessing something valuable without proof of that possession is almost unthinkable. Poverty is caused not only by a lack of assets but also by the lack of proof of ownership.

Although lack of education is a historical issue, it still affects the women of Badirile, keeping them in a subservient and landless position.

Historic Issue 3: Patriarchy

Patriarchy is culturally embedded and plays a big role in the access to land and housing for the Badirile women. As Ruhiiga (2011) suggests, “black people occupy about three million hectares, which have been historically gender discriminatory.”

Mutopo (2014, 197–104) argues that in terms of Fast track beneficiaries in Zimbabwe, the selection process was undertaken primarily by the Rural District Councils (RDCs) and District Land Committees (DLCs); although many informal processes also were

important. The patriarchal character of these institutions (at least in terms of being male-dominated) disadvantaged women in the selection process.

In rural areas, chiefs have enormous powers in the control and allocation of land. The South African chiefs are recognised in the country's Constitution as well as in the legislation affecting the former Homeland Reserve Areas. The latter sets a trend and still impacts on women in urban areas and townships similar to Badirile. Individuals simply hold land tenures or are beneficiaries rather than owners of the land they occupy. "African indigenous land tenure" a term preferred by Du Plessis (2011,45) rather than "traditional or customary land tenure", which he argues sounds too restrictive, was held in trust by the government who issued permits to Black people but primarily chiefs to secure their land rights. The powers chiefs have in land distribution marked their roles as gatekeepers and allocators of land. According to Gumede (2012, 59–276), in 1962, Albert Luthuli described the dynamics that ruled Bantustans as follows:

Inside the closed world, there is no hint, not even the remotest suggestions of democratic rule. There is provision only for the march back to tribalism – but in a far more dictatorial form than Shaka dreamed of. The modes government proposed are a caricature. They are neither democratic nor African. The Act makes our chiefs, quite straightforwardly and simply, into minor puppets of the Big Dictator; they are answerable to him and to him only, never to their people.

Gumede (2012) continues to argue that "permission to occupy" certificates were restricted to male household heads, thereby undermining the women's access to land. And, that Blacks were stripped of their South African citizenship and consigned to homelands governed by chiefs who according to Hendricks and Ntsebeza (1999, 99) - "became colonial stooges."

The right to secure tenures is stipulated in Sec 25 (6) of the Constitution of the Republic of South Africa, which entitles "persons" and not only "men" or communities 'whose tenure of land is legally insecure' to tenure, which is legally secure. If the state has no interest in changing the stereotypes and allocation of land, it places women at the mercy of chiefs and men who hold patriarchal values. What emerged during my study was that the tenures that are mostly awarded to men often affect families when the man dies or if he permanently abandons his family and home. Under such circumstances, chiefs can easily claim the land back and either keep it for themselves or reallocate it to those they favour. This demonstrates not only an unfair but also an unconstitutional practice. There is no security in such tenures.

The notion that politicians and government have the interest of women at heart is a myth. Ramani (2014) commenting on women who are acknowledged on Women's Day asserts: "It is sad that we generally sit up and acknowledge women's achievements, but we should equally highlight the inequalities that exist between the sexes in our societies.

Equally, women who stood up to colonialism and helped shape the very foundation of our democracy continue to face marginalisation and deprivations.”

According to the Badirile women, the party they voted into government "seems to have forgotten those who helped put them into power.” They argued that the exclusions they face have worsened their living conditions and those of their children. In 1917, for example, a Women’s Day protest in St. Petersburg highlights protests against the way in which employers treated women. Suzan B. Anthony (1872 and 1894), a stern advocate of the protests, argued that “no self-respecting woman should wish or work for the success of a party that ignores her sex.”

This is precisely the regrets that the Badirile women have. They witnessed their own mothers having no say in terms of the land awarded by the chief to their family. The trend persisted in the women’s own households once they got married. Newly wed women experienced similar exclusions in their own homes.

While the government often emphasises the eradication of inequality, and this is evident in its Preamble in the Constitution of the Republic of South Africa (1996), which features 20 years of democracy and aims “to reduce poverty and inequality”, it seems not to reach the poor adequately. Many still experience deprivation and inequality. An argument also repeatedly made by the Badirile women is that women, in particular, are worse off. As a result, from their perspective, democracy remains a “blur” and a myth. They argued that they have been “left out in the cold” by those they brought into power. For the majority, nothing seems to have changed since the eradication of apartheid. The women continue to experience the pangs of apartheid, although they diligently fought against it.

Current Issue I: Access to RDP Housing

The dynamics that surround the allocation of the RDP houses determine that women cannot obtain access to land or housing in their own capacity.

In Badirile, women are unable to purchase their own land and live either in rented RDP houses or in shacks (also known as *mekhukhus*, which means chicken pens) constructed around RDP homes or the workplace. Employers either provide the *mekhukhus* or the women have to build their own. *Mekhukhus* usually lack water, adequate sanitation and electricity; yet monthly payments are required.

I found that the majority of the women had been living under these conditions for lengthy periods of time. Some for more than 10 or 20 years. Women who occupy *mekhukhus* so many years after Mandela was released from prison and South Africa became a democratic country, and who played a significant role in his emancipation, expressed their disappointment in the current system. They were of the view that ‘nothing has changed since our people took over. We are still poor and homeless and

work under conditions suitable for slaves. We keep on hoping that the government will be aware of these conditions, but they show no interest whatsoever.’

Despite the lack of available RDP houses, a surprising number of vacant RDP houses were observed. The Badirile women who made enquiries about houses standing empty were either stonewalled or told that they required a marriage certificate or that they had to pay a bribe, an interviewee Olgie argued:

If I was a man, they would have acknowledged my presence in their offices and would have given me a home. Because I am a woman, it is not going to happen. It is our culture, women are seen as nothing, and we are children to them because they think we do not know what we want. The leaders in government and at the municipalities are all our African men whose culture is embedded in the exclusion of women in terms of land or property that is why I still do not have a home. If I had money to pay a bribe, I would have had my home a long time ago. But I can only look at the houses and wish I was in there instead of the *mekhukhu*, I live in now.

Against this background, many of the houses remain unoccupied, while there are individuals who are desperately in need of accommodation.

Some structures remained incomplete for extended periods of time. As a result, criminals stole doors, windows, taps etc. These vacant houses have become crime spots, which further affect women and children. Tshetlhe (2014, 1) argues that; “vacant or unfinished RDP houses are ‘Crime Hubs’”;

He asserts that “residents near Mafikeng”, where some of the Badirile women hail from, “near the North West, are living in fear of thugs who lurk in unfinished RDP “homes”. The houses that could have housed the poor, particularly women and children who are affected the most, have ironically become spaces in which they – the vulnerable, succumb.

Current Issue 2: Gender Discrimination

The allocation and distribution of houses by municipalities are left in the hands of patriachs who expect women to adhere to gender-biased traditions. They hinder women from owning and obtaining housing in their own capacity. This clearly contradicts their rights that are stipulated in the Constitution. The home ownership predicament of an unmarried woman is considered a total non-issue and is not even discussed.

Findings during the research indicated that the majority of the women who live in homes obtained them through their spouses. Many of the spouses were deceased or had abandoned their families. Those who acquired a house themselves had been required to show marriage certificates, because the homes were registered in the names of their husbands. Therefore, in reality, women do not have ownership of the homes. The same situation exists in rural areas.

In the case of “social housing” (a recent phenomenon in which hostels are renovated and modified, for what is considered decent living, and occupants are expected to pay R270 per bed) a similar discrimination against females is evident. According to Letter (2009, 5) who lead the social housing project, Alexander Renewal Programme suggested that “51 per cent of women do not qualify for Hostels.” This is regardless of the fact that they have children. These gender biases are a major cause for concern and should be rectified.

Gender equality and female empowerment are core developmental objectives, fundamental for the realization of human rights and the key to effective and sustainable developmental outcomes. No society can develop successfully without providing equitable opportunities, resources, and life prospects for males and females so that they can shape their own lives and contribute to their families and communities (USAID 2016).

Contrary to the case of the Badirile women, in her analysis on Merrivale farm, Mutopo (2014, 197-207) describes that ‘major results emanated in this case study where women have become major actors in land acquisition and non-permanent mobile livelihoods.’

My study demonstrated that the South African culture still favours men and discriminates against women. Apart from the land grab caused by apartheid and the failure of land reform and restitution, post-apartheid patriarchy oppresses women. Patriarchal tendencies are culturally embedded. In fact, most conservative men view women’s rights as a threat to the status quo. Quite a number of traditional leaders are stepping forward to champion the restoration of traditional cultural values, morality and custom that formed the bedrock of social organisation and life. As a result, traditional leaders in these indigenous pre-colonial societies are taking the opportunity to reassert male dominance and control (Mungwini 2007, 124–133).

Current Issue 3: Corruption

Too much fraud exists in the allocation of RDP houses. The RDP houses are meant for the poorest of the poor; yet affluent people get their names onto RDP lists and surpass the needy in receiving houses. Several Badirile women complained that they had been waiting for homes for years; some for more than a decade. As a result, they had no choice but to “save up for a few years and pay a bribe, in order to be allocated an RDP house. Those who could not afford to do so continued to wait and when they visited the municipal offices, they were told that “computer systems are offline”. Only people with an income below R3 500 are entitled to apply for RDP housing, but some of these houses are obviously occupied by people who do not fall into this category.

Some RDP houses, I was told, were thought to be owned by teachers, nurses and other individuals who earn much more than R3 500. This was evident from the type of vehicles parked in the yards and the rate at which the houses were renovated

immediately after occupation. I was told that houses were often renovated and extended within a year of people moving in, although government requires at least eight years.

Waiting lists, which are mostly inaccessible when prospective owners, particularly women, ask for them, is a serious problem. According to Tato, an interviewee, a number of women were awarded numbers but often realised later on those individuals, particularly males, or women who paid a bribe and who had applied years after them, were awarded houses. Inadequate and new waiting lists have resulted in major frustrations to which women reacted. This is evident in the case of *Ekurhuleni Metropolitan Municipality v Various Occupiers, Eden Park extensions 5 2014 (3) SA 23 (SCA)* regarding the controversies and inconsistencies on waiting lists.

Some of the women made similar remarks to that of Tato:

I registered my name for an RDP home more than ten years ago. I am still on the waiting list. I know of a local resident, a man, who went on the same day as I did. He received his home, almost eight years ago and has even extended his home, but I am still waiting. It is unfair. I do not have money to pay a bribe because I have children to support. I earn little. I thought that if I get a home, I will open a tuck shop. This is the reason why I started attending evening school so that I can learn to count, but nothing has happened thus far. I am still working at the same factory that has made me ill and I still live in the 'chicken pens' of my employers. I am only happy when I go home to the rural area where I come from. At least I have built two rooms. But even there, I am not sure if I only wasted my little money because I do not have papers for the land, the chief can take it any time he wants to. I have seen that happen to other women after their husbands died.

Consequences of Excluding and Marginalizing Women through Land and Housing Issues

When women lack land in rural areas, they are *unable to become independent* small-scale farmers. As heads of their households, they seek alternative means of making a living and relocate to look for employment. In urban areas, they are identified as foreigners, which diminishes their chances of obtaining housing. Labelling leads to lack of social cohesion and the women do not feel a sense of belonging in either space.

The explosion of urban migration has negatively *impacted children* in urban and rural areas. *Neglected children* were unheard of when extended families had adequate agricultural land and resources. When abandoned mothers migrate to cities in search of work, homeless, neglected children become the norm. Inadequate housing and resources exacerbate this social problem.

A landmark decision was made in the case between the Government of the Republic of South Africa v Grootboom 2000 (11) BCLR 1169 (CC). The case concerned approximately 390 homeless adults and 590 homeless children. Ultimately, the

Constitutional Court declared that the State has a duty to devise and implement within its available resources “a comprehensive and coordinated programme progressively to realise the right (to access) to adequate housing.” The Court also ordered that the programme ‘must include reasonable measures to provide relief for people who have no access to land, no roof over their heads, and who are living in intolerable and crises conditions. Consequently, almost two decades later, while land and housing (RDPs in this case) have been built in areas throughout South Africa, the majority of Black South Africans and particularly women, still remain homeless and landless impacting directly upon children and yielding street kids.

Arguably, there are multiple factors that contribute to children becoming *street children*, but the discrimination against women, as is evident in the case of the Badirile women, certainly plays a role. Providing land and adequate housing for women, in particular, will ensure that more children have a roof over their heads.

Lack of adequate housing indirectly results in ill health. Almost all the women complained of sore feet and back pains because they are expected to stand in the same position all day owing to *slave-like* conditions in the workplace. Women who complained lost their jobs and lack a home where they can build a tuck shop or grow vegetables to sell. These, are practices that are unlawful and not in line with our Constitution, but they nonetheless occur in a democratic South Africa, therefore interrogating the fabric of social policy and the position of women within that society. Makura-Paradza (2010, 17–24) suggests that in a broader sense women’s empowerment is not only changing the nature and direction of forces (both legal and institutional) that marginalise women, but it also revitalises perceptions of customs and culture, which perpetuate the subordination of women and the girl child.

Conclusion

Land and housing are key issues that the Badirile women insist the government should become aware of and rectify. They should bring to book those who, in a democratic state, still practice “slavery” and allow such living and working conditions. Officials interviewed in this regard, suggested that they were “working on measures to eradicate ill working conditions”. In acknowledging the failure of the South African government in terms of the allocation of RDP houses, Moladi (2014) notes that President Jacob Zuma declared that:

The government had failed millions of people who were living ‘like pigs’ in informal settlements, and efforts to explain to them why this was so after more than a decade and a half of democracy would be meaningless.

The reality is that the government still does not meet the needs of millions of South African women who are supposed to be the “rocks” of our nation. Politicians like to recite the Zulu sentiment that says, *Wathinta abafazi, wathinta imbokodo* (you strike a

woman, you strike a rock), but based on my in-depth study conducted among the Badirile women, this statement is a myth.

Women argue that they live in situations worse than during the apartheid era. From their perspective, the way they are treated is worse when it occurs under the auspices of “Black brothers” who only seem to have their own interests at heart, and who have taken up where colonisers left off and have exacerbated and promoted inequality and the marginalisation of women.

The fact that poverty is rife among Africans, and particularly amongst women who are in the majority, led the Badirile women to believe that they were “living in a non-democratic South Africa, different from the one middle-class South African men live in”. The Badirile women question whether or not social policy does indeed exist when some are left behind while others have evidently “arrived”.

Arguments made about the wellbeing of women and children being of the utmost importance remain a paradox. The reality is that there are no adequate policies that protect their rights. Moreover, even when policies do exist, they are misinterpreted or just ignored by corrupt government officials. My overall analysis, based on what is evident in Badirile, shows that women have indeed been left behind both in rural and urban areas.

The government has done more to address the issues raised at the time of my research but not enough results have been shown. The current South African government intends to push ahead with its plans to amend the Constitution to reach its goal in the expropriation of land without compensation to benefit Black South Africans (Khemwenda-Mtambo 2018). In its plight, it must consider the implementation of its social policy strategy, urgently, to help meet the needs of women in the lower echelons of society.

Even though South Africa has one of the best constitutions in the world, it will have to address the issue of a culture that oppresses women, like the women who eke out a living in Badirile.

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