

**An investigation into the role of women in the spatial planning and development of their settlements that are under the custodianship of traditional leaders: A case study of Cala in Sakhisizwe Municipality, Eastern Cape**



**By**

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*Dissertation presented as part fulfilment of the degree of Masters of City and Regional Planning  
In the School of Architecture, Planning and Geomatics  
University of Cape Town*

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**15 January 2021  
University of Cape Town**

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## Acknowledgements

I would like to express my gratitude to God for granting me this opportunity to study and the gift of life.

Secondly, I want to thank my supervisor, Associate Professor Tanja Winkler, for her guidance, patience and support - both personally and academically- in ensuring that I successfully complete my research. Thank you for believing in me.

I also want to thank Nobukosi Ngwenya, Kiara Klitzner and Rebecca Plumbley for their unwavering support during this journey.

Very special thanks to my siblings for your emotional support. To my children, Amanda and Imange, for always cheering me up. I could not have asked for a better family. Words cannot express my gratitude for all your support.

I would like to express my sincerest gratitude to my research participants who welcomed me into their spaces and shared their life stories with me. Without their participation, this dissertation would not have been completed.

## Abstract

This study aims to unpack the planning strategies employed by women who live on communal lands in the rural regions of the Eastern Cape. In South Africa, traditional leaders are the custodians of communal lands. Their patriarchal nature tends to negate gender equalities as envisaged and prescribed in the Constitution of the Republic of South Africa through the Bill of Rights. As a result of this patriarchal nature, women find themselves having to navigate spaces which are embedded with customary laws that continue to uplift the status of men over women.

The study investigates how women in communal areas access land, deal with social and economic vulnerabilities and, most of all, how they add their voices to the planning and public decision-making processes of their communities. Unequal gender relations and structural inequalities are brought to light by means of the research findings presented in this dissertation.

Women's involvement public decision-making processes is studied in other academic fields, including in politics, anthropology and sociology. However, such studies are not as extensively in the planning field, specifically with respect to planning in rural areas. Planning in South Africa is understood as a study that tends, more often than not, to focus on cities rather than on rural contexts (as research findings demonstrate).

The research method employed in this study is the case study research method, and Cala, which is located on communal lands and which falls within the political jurisdiction of the Sakhisizwe Local Municipality, is the case under study. An in-depth investigation of the following themes (which, in turn, resulted in the establishment of subsidiary research questions) is presented in the subsequent chapters: feminism and black feminism; the South African Constitution; the Traditional Authority Act; the Spatial Planning and Land Use Management Act; communal lands; and lessons from Kenya and Tanzania.

Research findings demonstrate a mismatch between the legislation and everyday practices found in Cala. Women are still finding it difficult to navigate traditional spaces. They do not have enough representation in planning and public decision-making structures, and, as a result, they remain disadvantaged. In response, planning policy recommendations are presented in the final chapter.

## Acronyms

Cala University Student Association	CALUSA
Communal Land Act	CLA
Communal Land Rights Act	CLARA
Communal Land Tenure Bill	CLTB
Department of Rural Development and Land Reforms	DRDLR
Engineering and Built Environment Research Committee	EBERC
Independent Electoral Commission	IEC
Integrated development Plan	IDP
Kenyan National Land Policy	KNLP
Local Economic Development permission to occupy'	LED PTO
South African Planning and Land Use Management	SPLUMA
Spatial Development Framework	SDF
Statistics South Africa –	Stats SA
Traditional Councils	TC
Traditional leadership and government framework Act	TLGFA
Village Land Act	VLA

## Contents

Declaration of Free Licence .....	i
Acknowledgements .....	ii
Abstract .....	iii
Acronyms .....	iv
Chapter 1: Introduction .....	1
1.1 Introduction .....	1
1.2 Problem under study .....	3
1.3 The aim of the research .....	4
1.4 Main research question.....	4
1.5 Research methods.....	4
1.6 Research Techniques.....	6
1.7 Analysis of the research findings.....	7
1.8 Ethical Considerations .....	7
1.9 Structure of the Dissertation .....	7
1.10 Recommendations.....	8
1.11 Conclusion .....	8
Chapter 2: Literature review.....	9
2.1 Introduction .....	9
2.2 Feminist Planning Theories .....	9
2.2.1 Feminism.....	9
2.2.2 Feminism and Planning Theories .....	12
2.3 South African Legislation from a feminist planning perspective.....	13
2.3.1 Constitution of the Republic of South Africa and the Bill of Rights.....	13
2.3.2 Traditional Leadership and Governance Framework Act No. 41 of 2003.....	14
2.3.3 The Spatial Planning and Land Use Management (SPLUMA) Act No.16 of 2013 .....	15
2.4 Women living on 'communal' lands: Reviewing literature from Kenya and Tanzania .....	16
2.4.1 What are communal lands?.....	17
2.4.2 Overview of communal land in Kenya .....	17
2.4.3 Women living on communal land in Kenya .....	18
2.4.4 Overview of Communal lands in Tanzania .....	19
2.4.5 Women and communal lands in Tanzania.....	19
2.5 Overview of communal lands in South Africa.....	20

2.5.1 Communal land and women in South Africa .....	22
2.6. Conclusion .....	23
2.7 Summary Table .....	23
Chapter 3: Research Methods .....	25
3.1 Introduction: .....	25
3.2 Research Methods.....	26
3.2.1 Case study Methods.....	26
3.3 Research Techniques.....	27
3.3.1 Interviews: Semi-structured interviews .....	27
3.3.2 The Oral history interview.....	28
3.3.3 Discourse Analysis .....	29
3.4 Sampling .....	29
3.5 Ethical Considerations .....	30
3.6 Analysing .....	30
3.7 Conclusion .....	31
Chapter 4: Research findings and analysis.....	31
4.1 Introduction .....	31
4.2 The Case study Area: Cala .....	31
4.2 Governance and Administrative Structures.....	32
4.3 Women in leadership positions .....	34
4.4 Development and Planning of communities: Power dynamics .....	35
4.5 Women's Experiences in Cala .....	38
4.6 Women and Land security .....	38
4.7 Social and Economic Vulnerabilities .....	40
4.7.1 Gender Based Violence .....	40
4.7.2 Cultural Norms .....	41
4.7.3 Poverty .....	41
4.8 Woman as Activists.....	42
4.9 Summary table.....	42
Chapter 5: Recommendations and Conclusions .....	45
5.1 Introduction .....	45
5.2. Answers to the subsidiary research questions according to their themes .....	46
5.2.1. Feminism and Black feminism .....	46
5.2.2. The South African legislation .....	47

5.2.3. Communal Land.....	48
5.2.4 Lessons from Kenya and Tanzania.....	49
5.3. Recommendations.....	50
5.3.4. The extent to which this dissertation achieves its purpose.....	53
5.4. Limitations to the study.....	53
5.5. Conclusion.....	54
Reference List.....	55

## List of figures

Figure 4.1 Sakhisizwe villages and wards	32
Figure 4.2 Sub-villages that makes one village	33
Figure 4.3 Map showing different wards Sakhisizwe	36
Figure 4.4 photos showing different kinds of farming	39

## Appendix

Appendix 2: Information Sheet and consent form	62
Appendix 1: Ethics Approval	64

## Chapter 1: Introduction

### 1.1 Introduction

In accordance with post-apartheid legislation, namely the Traditional Leadership and Governance Framework Act (TLGF) 41 of 2003, traditional leaders in the Eastern Cape (or elsewhere in South Africa) are identified as custodians of communal landholdings. This Act goes on to define “traditional leadership” as “the customary institutions or structures, or customary systems or procedures of governance [that are] recognised, utilised or practised by traditional communities” in South Africa’s rural settings (RSA, TLGF, 2003:5).

Furthermore, “communal land”, as defined by Gyasi (1994), is a term that is used to describe the land tenure system where rural land is managed by the collective, clan or a community. Such land tenure systems predate colonial conquests (Mager & Velelo, 2018). Nevertheless, it is here, within communal landholdings, as Bizana-Tutu (2008) explains, that traditional leaders are not democratically elected but are instead empowered as a result of ancestral inheritance, which, in turn, tends to be patriarchal in nature. According to Beall, Mkhize and Vawda (2005), these are the leaders who were tasked during the colonial and apartheid eras to manage and ‘control’ their societies. Some of their duties included, and continue to include, land administration, as well as overseeing the safety and security of rural residents, addressing land disputes, and administering justice in terms of customary law. However, and of particular relevance to my study, it is also within these customary laws and land tenure systems that women were generally viewed as subordinate to men, and that they were excluded from decision-making processes and leadership roles, including processes and roles pertaining to settlement planning and socio-economic development. Such exclusions persist in the post-apartheid era (as the research findings demonstrate, see chapter 4).

This then represents a contradiction found with the Traditional Leadership and Governance Framework Act of 2003 (and within the recently promulgated Traditional and Khoisan Leadership Act of 2019), which alludes to the fact that institutions of traditional leadership based on customary laws need to comply with the Bill of Rights in the Constitution of South Africa (RSA, 1996) by adopting customary laws that are democratic and that need to promote gender equality and human rights. So, while a review of the Sakhisizwe Integrated Development Plan (IDP, 2015–2016) indicates that there are more

females than males in Cala, and while this review stipulates that “[i]t is imperative that our development programmes pay critical attention to issues of women empowerment and [their] integration into [the] mainstream economy” (IDP Review, 2015 —2016: 23), in reality (and on the ground) women remain excluded from decision-making processes and leadership roles regardless of the municipality’s deliberate desire to establish dedicated programmes for women, and to include women in key planning and development roles. Cala is the case under study for my research. It is located within the jurisdiction of the Sakhisizwe Local Municipality, and, as confirmed by Statistics South Africa (Stats SA, 2012), women comprise 51% of Cala’s population.

Sandercock and Forsyth (1992) describe a gender research agenda for planning as one which is focused on feminist theories based on empirical evidence from situated case studies. As such, Cala in the Eastern Cape, as mentioned in the preceding paragraph, is the case under study for this research. It is a rural region of South Africa that I am familiar with, since I grew up in Cala. As such, I self-identify as an ‘insider’ which is often defined as an advantage for feminist scholarship, particularly if such scholarship seeks to understand and establish strategic and practical gender interests and insights from within the embodied and internal culture of planners (*ibid.*). Such scholarship also seeks to promote a gender-conscious reform of planning and the spatial economy (which, arguably, remain in favour of men in South Africa’s rural regions), and it does so by promoting equality between genders.

In order to begin to address gender imbalances and inequity, Sandercock and Forsyth (1992) argue for learning from the past and incorporating these lessons in a gender conscious approach for the purpose of reimagining the future. They further look at the difference between ‘strategic’ and ‘practical’ interests from a gender perspective (*ibid.*). Thus, for Sandercock and Forsyth (1992), while ‘practical’ interests are derived from women’s participation in settlement planning and women’s shifting roles in contemporary society, a more radical approach of ‘strategic’ interests aims to alter women’s subordination to men. This includes subordination within the planning profession and within planning education (*ibid.*). Although Sandercock and Forsyth (1992) do not explore the details of what this might entail, they state the importance of intersectionality within planning practices, outcomes and societal transformation. Unfortunately, as will become apparent in Chapter 2, much of the planning literature fails to consider race and class in its gender-conscious arguments. Nevertheless, this literature acknowledges that women in contemporary societies are no longer viewed solely as care givers. Rather,

they are increasingly involved in municipal governance, decision-making and leadership roles. Thus, despite the ongoing existence of patriarchal values in rural South Africa, it is interesting to note that both the Sakhisizwe Mayor and the town planner are women, thereby signalling some shifts in women's 'practical' interests. This study examines the extent of women's involvement in the planning and development of settlements under traditional authorities in Sakhisizwe Municipality, as well as the impact of their involvement on local planning and development in order to establish both their 'practical' and 'strategic' interests, and in order to promote a gender-conscious reform of planning and the current spatial economy.

## 1.2 Problem under study

The introduction to this chapter serves, for the most part, to outline the problem under study, namely that within South Africa's communal landholdings women continue to be viewed as subordinate to men; and they continue to be excluded from decision-making processes and leadership roles. Exclusions, in turn, are creating a negative impact on rural households' livelihood strategies and economic development opportunities, especially since women comprise the majority of residents on communal lands.

For centuries, the role of men has been informed by entrenched patriarchal structures. This is prevalent not only in Eurocentric domains, but also in African communities. Yet women's involvement in public decision-making processes has been studied in other fields, including politics, anthropology and sociology, but not as extensively in the planning field, specifically with respect to planning in rural areas. Planning in South Africa is understood as a study that tends, more often than not, to focus on cities rather than on rural contexts. Yet, rural and urban areas are different, and an awareness of these differences should inform studies (and recommendations) on planning in these diverse contexts. For this reason, this study begins from the premise that spatial planning processes in areas governed by a municipal authority differ from the planning processes adopted by traditional leaders. This starting point is not to suggest different planning outcomes (or to promote pluralistic land laws that continue to undermine rural women's land, tenure and other rights), but, rather, it is an analytical approach that enables me, as the researcher, to begin to understand how unequal gender relations and structural inequalities are enabled through the adoption and implementation of different planning processes for municipal areas as opposed to the processes adopted on communal landholdings. Arguably, only once we, as planners, become aware of these differences might we be able to promote planning

responses that challenge the unequal gender policies found in customary laws.

Although this research focuses primarily on planning in rural areas under the control of traditional leaders, the research has much insight to offer on the role that women in Africa play in the planning of their settlements (including informal settlements found in urban contexts). Societies and spatial interventions are (re)produced by both men and women. This is why it is important to understand the role that women play in spatial planning. Such an understanding could potentially enhance how we plan the settlements of tomorrow by enabling more inclusive and gender-conscious practices.

### 1.3 The aim of the research

The two-fold aim of my research is to explore how, and to what extent, women are involved in the spatial planning and development of rural settlements that are under the custodianship of traditional leaders in Sakhisizwe Municipality; and to critically assess the impact of their involvement on local planning and development.

### 1.4 Main research question

Based on the established aim of this study, the main research question asks: How, and to what extent, are women involved in the spatial planning and development of rural settlements that are under the custodianship of traditional leaders in Sakhisizwe Municipality? And, what is the impact of their involvement on local planning and development?

### 1.5 Research methods

As this research entails answering 'how' and 'what' questions, qualitative research methods are used, because such methods will allow me to narrate events, processes and outcomes occurring in the spatial planning of settlements in Sakhisizwe Municipality. Babbie (2014) describes qualitative research as an approach that is used when collecting non-numeric data such as concepts, definitions, metaphors, symbols, and descriptions of things and events.

Specifically, this research utilises the case study method. The case study is an in-depth investigation of an area, its development and occurrences (Flyvbjerg, 2011). According to Yin (2018), the aim of a case study is to examine events, situations, or other real-life facts within their context where the boundaries between the 'case' and the context are not clearly defined. The objective of this examination is to gain an understanding of this situated 'world'. Case studies also allow for flexibility and innovation, which are necessary as data are collected from research participants. This allows for the capturing and telling of unforeseen circumstances. This then means that the case study is highly adaptable to its context (Duminy, et.al., 2014). Furthermore, Flyvbjerg (2011) argues that case studies evolve over time, and in accordance with changing events. This is an important characteristic of case studies as political changes have a great influence on spatial planning. As mentioned in the introduction to this chapter, the case under study is Cala in the Eastern Cape which is located within the political jurisdiction of the Sakhisizwe Local Municipality.

As the researcher, I am aware of the limitations of case study research methods. These limitations include verifying collected data based on my own biases and subjective knowledge, especially since I self-identify as a Cala 'insider' (Flyvbjerg, 2011). To address this limitation, I used triangulation techniques that will allow me to collect research findings from different sources, including secondary sources such as history books, newspapers, articles from journals and websites.

Another limitation for this research pertained to the time allocated for fieldwork. The fieldwork was conducted during the October of 2020. This limitation is further discussed in chapters 3 and 5. I am also aware that trust needed to be built with research participants. This was established in part through my 'insider' status as a resident in the area, and through my knowledge of the language and culture. People tended to be open to me, as some already know me. I was not seen as a stranger, but rather as part of a group. Nevertheless, I am aware of the limitations of my own 'insider' status, in that some research participants assumed that I already know how processes operate, and, in some cases, they neglected to tell me about these processes. In order to address this limitation, I probed research participants' answers, and I encouraged them to explain their feelings and aspirations. Chapter 3 served to provide additional information on the research methods used to collect research findings.

## 1.6 Research Techniques

The main research technique used was semi-structured interview questions. Semi-structured interviews are verbal interchanges in which the researcher asks questions to obtain information from the research participant (Longhurst, 2003:1). Although I prepared a list of predetermined questions - semi-structured interviews allowed for conversations to unfold. The predetermined questions were based on an in-depth review of the literature (see chapter 2 for details).

Purposive sampling was used to identify potential research participants. "The purposive sampling technique is a type of non-probability sampling that is most effective when one needs to study a certain cultural domain with knowledgeable experts" (Tongco, 2007: 147). Participants were selected based on their availability. Interviews were conducted with various individuals, including traditional leaders (sub-headmen, headmen and chiefs) and women's organisations such as Ntsundu and Sukude co-operatives, Zenzele vegetables gardens (rural farming), representatives from the Siyazakha Land and Development Forum, town planning professionals and other professionals from the municipality (see chapter 3 for additional details).

The interview process was conducted with sensitivity so that participants could express themselves freely by showing their emotions during discussions. This was accomplished through listening deeply to understand participants' experiences in relation to the topic under study. Lederman (1990) suggests that listening deeply allows one to understand the underlying feeling and to get an insight on issues being discussed. Without interrupting the flow of the narrative, participants were asked to elaborate and describe an unclear scenario. I had the advantage of understanding research participants' elaborations and descriptions, as we are all Xhosa speaking people, which is also my first language. I, therefore, did not need to make use of a translator.

The gathering of rich and detailed narratives contributed to the research findings that are presented and analysed in Chapter 4 (Flyvbjerg 2001). Some of these narratives contain sensitive information, and these were excluded from the findings. I also made use of discourse analysis as an interpretive method of analysing written text (Babbie & Mouton, 2002). Additional details regarding discourse analysis are presented in Chapter 3. Finally, I used books, government documents (IDPs and SDFs), newspapers, websites, social media and other articles to supplement the primary research findings collected.

These secondary sources assisted me in analysing the transitions and political changes taking place in Sakhisizwe with regards to gender roles.

### 1.7 Analysis of the research findings

Research findings were coded based on themes and concepts established via an in-depth review of the relevant literature (see Chapters 2 and 3 for details). Coded themes also allowed me to establish summary tables that assisted me in keeping track of the entire research process. Summary tables are presented at the end of Chapters 2 and 4.

### 1.8 Ethical Considerations

I gained ethics approval from the University of Cape Town's Engineering and Built Environment Research Committee (EBE ERC) at the start of the research process. No data collection via interviews was undertaken before clearance was granted. I also drafted a consent form to be signed by both the researcher and the research participant. The form explained the topic, that the interview process is voluntarily and that the respondent can withdraw their participation at any time. Research findings were also shared with participants to confirm the accuracy of my interpretations of the data.

### 1.9 Structure of the Dissertation

Chapter 2 review the feminist and planning literature, as well as a review of the relevant legislation, is presented in Chapter 2. This review sets up the subsidiary research questions and assessment criteria for this study. It also serves to establish the themes used to analyse research findings in Chapter 4. This review draws from several disciplines, including history, political studies, sociology, rural planning and governance.

Chapter 3 describes and discusses the research methods and techniques used to collect data. It includes a discussion on how research findings are analysed, and it explains the strengths and limitations of the methods and techniques used. Mitigation methods and techniques are discussed in order to address the identified limitations.

Chapter 4 describes and analyses the data collected.

Chapter 5 provides answers to the main and subsidiary research questions. In so doing, the research findings are synthesised. The chapter then goes on to present a few policy and other spatial planning recommendations on how the problems identified in the study might be resolved. Some of the recommendations are based on suggestions presented by other scholars in the literature review chapter. Other recommendations are drawn from the research findings presented in chapter 4.

### 1.10 Recommendations

It is foreseen that this research could potentially help in the writing of new spatial planning policies to improve the state of planning in rural areas. I therefore hope by means of this study to contribute to new research on rural planning in South Africa (and, potentially, elsewhere in sub-Saharan Africa).

### 1.11 Conclusion

This chapter provided a brief introduction to communal lands and its traditional leadership which is patriarchal in nature. Although the Constitution of the Republic promotes gender equality (as discussed in Chapter 2), traditional institutions remain male dominated (see Chapter 4). The chapter establishes the problem under study, the main aim and the main research question, and it introduces the methods that will be used in order to answer the main and subsidiary research questions. Chapter 2 will review the relevant literature in order to establish assessment criteria and subsidiary research questions.

## Chapter 2: Literature review

### 2.1 Introduction

This chapter reviews three bodies of literature that are relevant to this study. The first is feminist planning. The second is the literature on legislation and then, finally, the experiences of women living in rural areas. These experiences include reviews of the Kenyan and Tanzanian contexts in addition to the South African context. The literature is reviewed with the aim to establish subsidiary research questions that will be used to explore and analyse the case under study. This review will also help in identifying recommendations (see Chapter 5). I will discuss the main themes, arguments and relevance of the literature in relation to the main research question asked in the previous chapter.

### 2.2 Feminist Planning Theories

To understand feminism's influence on planning theories, one must understand the historical evolution of the planning profession and feminist theory in general. It is to a discussion of the three waves of feminism and feminism's influence on planning theory that this section turns.

#### 2.2.1 Feminism

According to Nehere (2016), feminism is based on an ideology of radicalism, which seeks to find space for women within patriarchal society. Moghadam (1996) explains that patriarchy is the position of women versus the privileges or rights of men within the family, household, the political system and cultural institutions. Thus, the main aim of feminism is to challenge male dominance with the aim of contributing to knowledge about women and gender relations. The feminist perspective looks at the impact of gender on people's opportunities, social roles and interactions. Watson (1999) argues that gender impacts every aspect of individuals' lives and societies, both privately and publicly. These impacts are societal, as different roles are ascribed by society to men and women. Hayden (1980) & Greed (1994) note that women are seen as people whose role is to keep and make homes comfortable for their families. In this sense, women's roles are limited to the private sphere within patriarchal systems.

In Western countries the first wave of feminism began in the 19<sup>th</sup> and 20<sup>th</sup> centuries. According to Nehere (2016), feminists argued for emancipation and equality. Their focus was on the removal of barriers to women's participation in public life, such as the right for women to vote. They stood for equal opportunities for both genders, arguing that this would level the playing field by, among other things, inspiring female children to participate in science, technology, engineering and mathematics.

The second wave of feminism began in the 1960s. Hayden (1980) and Davidoff (1965) argue that in the 1960s the focus was on socio-political issues and the feminist planners' focal point of inequalities included power in the workplace and in households as well as women's rights in general. Hayden (1980) notes that attention was given to the hindrances experienced by women when they navigate spaces where men tend to be dominant. Therefore, the focus during the second wave was to reconceptualise the basic concepts of patriarchy, gender and empowerment.

Patriarchy is defined by Macionis (2012) as a community order which allows men to enjoy more power and predominance in roles of management and control compared to their female counterparts. Feminist theorists define patriarchy as a systemic prejudice against women. Instead of individual men oppressing women, most feminists saw that oppression of women came from the underlying bias of a patriarchal society (Napikoski, 2020).

Gender refers to the "roles and responsibilities of men and women that are created in our families, our societies and our cultures. The concept of gender also includes the expectations held about the characteristics, aptitudes and likely behaviours of both women and men (femininity and masculinity). Gender roles and expectations are learned" (UNESCO's Gender Mainstreaming Implementation Framework, 2003:1). Empowerment is an important concept of feminist theory which seeks to increase the individual, collective and political power and transformation of oppressed and marginalized populations (Lee, 2001). Bayeh (2016) adds that empowerment creates strength and independence for people and their communities. People are said to be empowered when there are no hindrances and obstacles in accessing opportunities for the betterment of their livelihoods. Empowerment includes uplifting the status of women through education, recognition, literacy and giving them space to make their own decisions and those of their communities (Bayeh, 2016).

The focus of the third wave of feminism is social and economic equality. This era is also known as Marxist feminism, which calls for an end to capitalism through the socialist reformation of economy. According to Hartmann (1979) Marxist feminists view gender inequalities as part of the capitalist system, which makes vast profits off women's unpaid labour in the home and underpaid labour in the workforce. Marxist feminists focus on social structure is critical to understanding patriarchy (Hartmann, 1979).

Sandercock and Forsyth (1992) claim that what has been argued in feminist literature from the Global North does not represent the priorities and experiences of all women. Snyder (1995) further argues that in post-modern societies, women's experiences of oppression differ due to their different social identities. By the way of an example, African American women associate feminism with eloquent white women because their inequalities and vulnerabilities are not the same. Even in South Africa, women have historically faced immense suffering. This suffering has, to an extent, been state-facilitated due to the apartheid regime and socially practiced discrimination as a result of cultural and traditional laws. During apartheid, women were restricted to certain categories of employment, which were awarded by race and class. Notably, white women had more privileges compared to their black counterparts such as being granted the right to vote. This has resulted in black women activists striving for empowerment on the basis of their own struggles. The issues which they face are based on much deeper social, economic and political discrimination. It is these struggles, which resulted in the birth of black feminism (Taylor, 1998).

Black feminists argue that sexism and racism are intertwined (Crenshaw, 1989). They further argue that racism that black women experienced has never been addressed through mainstream feminism which is led by middle-class white women. Black feminism thus, provides a framework for analysing and understanding how race, class and gender are created and experienced by communities. Jacobs (2019) points out that black feminism is not only about social identities but also about how disasters increase the vulnerabilities of communities. These vulnerabilities increase exposure to risks, which make it difficult for these population groups to improve their livelihoods. Collins (2009) argues for the inclusion of community-based knowledge and experiences of black women in disaster management and urban planning. Bolin (2006) and Mileti (1999 cited in Jacobs, 2019) urge scholars to shift their focus from physical vulnerabilities to disasters that are perpetuated by social, economic and political spheres.

### 2.2.2 Feminism and Planning Theories

Snyder (1995) argues that it was only in the 1960s that many disciplines, including planning, started paying attention to feminist debates. Town Planning arose in the 19<sup>th</sup> century from the need to mitigate the social problems of the industrial city. Initially, planning was predominantly a technical exercise undertaken by experts who were concerned with land use management. According to Sandercock (1998), the prevalent approach to planning at the time was the Rational Comprehensive Model, which retained its popularity during the late 1940s and 1950s. This top-down approach assumes that planners know what people want and need. Sandercock (1998) further argues that planning, which was and continues to be dominated by (white) men, is based on technical knowledge with no consideration for values and emotions. Thus, the model is argued to be non-political. During feminism's second wave, theorists such as Davidoff (1965) challenged planning for ignoring political concerns, particularly the unequal power between men and women. This challenge led to a shift in planning approaches from Rational Comprehensive Planning to Advocacy Planning. Advocacy planning is concerned about "marginalized groups and political activities" (Davidoff, 1965). Many advocacy planners critique Rational Comprehensive Planning's from a feminist standpoint.

Not only is the profession dominated by (white) males there is, as Davidoff (1965) argues, a lack of representation of various stakeholders in the planning processes. In particular, vulnerable socio-economic groups, namely women and children, are ignored. Greed (1994) contends that the planning profession is gender biased. It is an instrument which men still use to control spaces. The control makes men heroes of the landscape. Thus, she argues for the incorporation of gender considerations into planning (Greed, 1994). Her argument is based on the fact that better knowledge and understanding of the plight of women will help the development of gender inclusive policies. Watson (1999) advises that gender-sensitive planning should ensure that policies balance the agendas of men and women. This will help to create equal opportunities for both genders. According to Hayden (1980), it is necessary for women to be included in planning and policy decisions such as zoning and land use as these entail discussions on the livelihoods of all people irrespective of their gender. This is where the gap is. Planning policies exclude important issues that are related to responsibilities normally fulfilled by women. These issues include childcare, planning for effective public transport, distances between home and work and public spaces.

Jacobs (2019) argues that instead of “black feminism”, planners use the term “radical planning” in discussions of social identities. Black feminism is not discussed in mainstream planning. This is a disservice to the fields of planning and disaster management as these two also analyse the relationships between “social identities such as race, class and gender and their corresponding oppressions, racism, classism and sexism” (Jacobs, 2019: 27). Friedmann (1987: 304) defines radical planning as a model in which communities, with the help of planners, find practical solutions to their challenges. This is a bottom-up approach in which communities are planning for themselves.

Despite the identification of this gap within planning, the built environment sector continued to operate under the impression that a “woman’s place is at home” (Hayden, 1980: 170). The irony is that the so-called homes, as argued by Hayden (1980), are still designed by men with very little if any, incorporation of the knowledge and experiences of women. This attests to the power that men have.

## 2.3 South African Legislation from a feminist planning perspective

In this section, key pieces of post-apartheid South African legislation are reviewed from the feminist planning perspective. The legislation reviewed is the Constitution, namely the Bill of Rights which is contained in chapter 2; the Traditional Leadership and Governance Framework Act (TLGF) No.41 of 2003 and South African Planning Land Use and Management Act (SPLUMA) No.16 of 2013.

### 2.3.1 Constitution of the Republic of South Africa and the Bill of Rights

South Africa is seen as a country with a progressive constitution. Of interest to this research is chapter 2, the Bill of Rights, which outlines the provisions and promotes the right to equality for all citizens irrespective of gender. This section enshrines the rights to human dignity, equality and freedom. The obligation to uphold these rights does not only rest on the state, but individuals are also obliged to respect, protect, promote and fulfil rights. It was not until the introduction of the Bill of Rights that all women in South Africa received formal recognition as equal citizens. In South Africa, black rural areas and women were under the social and even legal control of their fathers or husbands (via customary law). This position regarded woman as second-class citizens. The following sections highlight the protection of women under constitution:

Section 9 prevents individuals from unfair discrimination based on gender, sexual preferences, pregnancy, who they choose to marry, ethnicity, colour, age, disability, religion, conscience, belief, culture, language.

Section 15 guarantees the individual's freedom to religion, belief and opinion.

Section 30 protects an individual's right to use her language and participate in the cultural life of her choice.

Section 31 recognises the collective right of members of a cultural, religious or linguistic community to among others, enjoy their culture, practice their religion and use their language in association with each other. The Constitution requires that these individual and collective rights not be exercised in a way that infringes other rights in the Bill of Rights, inclusive of gender and sex equality.

### 2.3.2 Traditional Leadership and Governance Framework Act No. 41 of 2003

The Traditional Leadership and Governance Framework Act No. 41 of 2003 is defined by Sithole and Mbele (2008) as legislation outlining the roles and functions of the institution of traditional leadership in South Africa. Bekker and Boonzaaier (2006) argue that this Act aims to integrate traditional leadership into the new democracy in South Africa.

Section 3.2.(b) of the Act provides for the establishment of traditional councils which should constitute 40% of democratically elected members of the traditional community, and that "at least a third of the members of the council must be women". Section 3.2(d) deviates from the above statement by stating: "Where it has been proved that an insufficient number of women are available to participate in a traditional council, the Premier concerned may, in accordance with a procedure provided for in provincial legislation, determine lower threshold for the particular traditional council than that required". For the purpose of this research, it is important to understand the women representative in traditional councils in communal lands in Cala, a rural area in Eastern Cape, which is the study area.

The constitution of the traditional council embraces and legitimised apartheid legacy traditional authorities but failed to explain their roles and functions (Ntsebeza, 1999). Ntsebeza (1999) also warns against giving certain

powers to traditional authority arguing that they may give them control over land distribution and gender equity. Traditional leaders that are not elected and are largely based on patriarchal principles are giving decision making powers to men (Ntsebeza, 1991). This raises concerns when one thinks of the relation of customary law and the Bill of Rights. An article in Alternative Information and Development online by Ncapayi and Ntungwa (2018: para.6) argues that "Rural South Africans in areas under the jurisdiction of traditional leaders have yet to enjoy the rights enjoyed by citizens in urban areas. People in urban areas can vote and can be voted for". They based this statement on a case in Cala Reserve (one of communal areas in Cala) where a traditional councillor imposed a headman onto the community. This happened after the community had elected their own headman. The community had to seek justice from Bhisho High court that ruled in favour of the community.

### 2.3.3 The Spatial Planning and Land Use Management (SPLUMA) Act No.16 of 2013

Spatial Planning and Land Use Management Act No. 16 of 2013 and its regulations is the national planning law in South Africa. SPLUMA aims to introduce positive reforms to spatial planning and land use management. SPLUMA was established as a spatial transformative planning law in South Africa. This law, crafted to drive critical issues of transforming space in a manner that is socially, economically and environmentally sustainable, necessitates commitment by all relevant stakeholders before its fruits can be seen, argues Berrisford (2015). The Act creates a new framework to govern planning processes and guide new planning developments and land uses.

The Act also encompasses regulations that were passed in 2015 and came into effect on 1 July 2015.

It is noted that SPLUMA and the Department of Rural Development and Land Reform (DRDLR) have been the progressive elements, but SPLUMA has not been without arguments and disputes due to the Act giving more powers in terms of planning and land use to traditional councils. (SPLUMA, 2013: s19) " A traditional council may conclude a service level agreement with the municipality in whose municipal area that traditional council is located, subject to the provisions of relevant national or provincial legislation, in terms of which the traditional council may perform such functions as agreed to in the service level agreement, provided that the traditional council may not make a land development or land use decision.

(2) If a traditional council does not conclude a service level agreement with the municipality ... that traditional council is responsible for providing proof of allocation of land in terms of the customary law applicable in the traditional area to the applicant of a land development and land use application in order for the applicant to submit it in accordance with the provisions of the Regulations".

With SPLUMA's aims to address the segregated and unequal spatial patterns inherited from apartheid, giving these powers to traditional leaders means they can use their discretion based on their interpretation of customary law in deciding who qualifies to be allocated land. In rural societies, there are many structures that allocate and administer land. These includes families, clans and other community structures in different levels.

#### 2.4 Women living on 'communal' lands: Reviewing literature from Kenya and Tanzania

This section will discuss the role, rights and decision-making powers of women living on communal land. I will start by defining the term "communal land". Then the literature from African countries will be reviewed. This is because land dispossession in African was central to colonialism and the struggles against colonialism focused on loss of land.

To explore these ideas, I will focus on Kenya and Tanzania, followed by experiences in South Africa. All these countries were British colonies, hence communal land tenure insecurities in these three countries are said to be a direct result of the colonialization. Both Kenya and Tanzania had experienced almost the same communal land tenure difficulties as South Africa but both countries have managed to progress.

Kenya passed legislation that promotes and protect community land rights, while Tanzania enacted an informative village land legislation system and important lessons can be drawn from this system. Tanzania is said to be a 'darling' of the international community for its abilities to promote gender equality as well as good governance practices.

### 2.4.1 What are communal lands?

According to Gyasi (1994), communal land is a term used to describe the land tenure system where rural land is managed by a collective, clan or a community. Wanyeka (2003) further refers to communal land as a territory in possession of a community rather than an individual or a private company, thus Winkler (2019) asserts that 'communal' land remains under the custodianship of traditional leaders in many parts of Africa. This means that the land is not officially owned by the residents who live on and use it, but rather, and more often than not, it is land which is held in trust by the state (Budlender and Latsky, 1991). In the South African context, this is a remnant of the 1936 Native Trust and Land Act (Winkler, 2019).

### 2.4.2 Overview of communal land in Kenya

In Kenya, like in many other African countries, debates on land rights have been prevalent since the country gained independence in 1964. The Land Registration Act 3 of (2012) defines customary land rights as privileges based on African customary laws, values and norms but that also need to be in line with the Kenyan Constitution.

Debates have thus been about the systematisation of these customary and constitutional rights (Kameri-Mbote, Odote, Musembi and Kamande, 2013). Accordingly, the Kenyan National Land Policy (KNLP) favoured strengthening tenure rights in rural areas. This was enabled via proper consultation and public participation channels (Taylor and Fransman, 2004). National Land Commission was established by the Kenyan government in 2013 with the responsibility to deal with land affairs.

The commission was to look at land disputes, land registration and to manage land information systems. This was the status quo until the Kenyan Government enacted the Communal Land Act (CLA) No.27 of 2016, which aims to reinforce the land rights of communal residents. (CLA, 2016: s4) encourages that the communal lands to be handed over and owned by communities. It also protects communities against arbitrary acquisitions or private-sector exploitations. This raises questions of whether such land reform approaches are feasible in South Africa.

### 2.4.3 Women living on communal land in Kenya

Despite the progressive legislative in Kenya, women's land rights are still progressing very slowly compare to men's rights (Gaafar, 2014). Tsikata (2009) argues that about 80% of women in Kenya live in rural areas, which suggests the importance of incorporating their views in public decision-making processes. Yet, as argued by Gaafar (2014), half of the land in Kenya is governed by customary laws that continue to hinder women from enjoying land rights. Gaafar (2014) further argues that the patriarchal nature of Kenyan society goes beyond infringing upon women's rights on communal lands, it also includes excluding women from decision-making processes.

The (CLA, 2016) recognises the discrimination against women hence it provides a clause emphasising the equality in land matters. Tsikata (2009) further argues that the government, despite its many progressive laws, has not been successful in correcting the gender inequalities in land access. Classen (2012) argues that at the centre of rural women's discrimination is customary law administration which is gender biased in nature (Classen, 2012).

The Kenyan National Land Policy (KNLP), 2012 proposed a range of measures to defend the rights of women. The KNLP(2012) summary is as follows:

Chp.1 s.22. recognizes customary rights to land. Chp. 2 s7(c) and part 3.6.10.3 addresses issues that require special intervention, including resolving historical injustices around land and improving gender equity in land use, management and control. Chp 2 s .25(f) explicitly cites the need to protect women's right to inherit land; Part 3.6.10.4 s 225 provides for the protection of the widows and divorcees' land rights. Part 3.6.10.4. establishes a matrimonial property framework that provides equal rights to land for men and women during marriage and upon dissolution of the marriage.

Kenya constitution (2010:20) also protects, promotes and fulfils the rights and "needs of vulnerable groups within the society, including women". The laws and constitution can lay a foundation for protecting rights of women, but without changes to the patriarchal traditions, women might never enjoy these rights.

#### 2.4.4 Overview of Communal lands in Tanzania

Schneider (2007) argues that in Tanzania rural populations were settled in “planned villages” for betterment of human livelihood through a project called villagisation project which was an “African socialism” or Ujamaa (Tsikata, 2003). This resettlement or Ujamaa was done without consultations with the affected people and disregarding all land tenure systems that were in place (Schneider, 2007). This project failed to give the desired results which was security of tenure for the people of rural Tanzania (Tsikata, 2003).

There has always been a need for a National Land Policy to govern land tenure, use and administration via the promotion of a secure land tenure system, equal distribution and access to land by all citizens and making land information easily available (Heck, 2009). A Presidential Commission of inquiry into land matters recommended that land should be bestowed in the President, but the Commissioner for Lands must administer it. Another recommendation was that the village lands which are not governed by the Land Act be vested in Village Assemblies. This resulted in the Village Land Act (VLA) of 1999 being enacted.

The VLA, 1999 was created to manage and control communal tenure system in rural areas. VLA, 1999 promotes the occupation rights by issuing certificates thereby ensuring secured customary land rights legally by all people irrespective of gender.

#### 2.4.5 Women and communal lands in Tanzania

Yet despite these seemingly progressive policy directives, gender inequality remains a challenge. Many women are illiterate and are unaware of their property rights. Women also lack knowledge and strategies to fight for their rights which makes it difficult for them to play a significant role in land affairs (Moyo, 2017). Families also deprive women and daughters a chance to own land through inheritance with the belief that they will only access land via marriage. Ignorance about women’s property rights, negativity towards women in general, and outdated customs, negate the empowerment aspirations found in the VLA. Instead, “customary laws, traditional values and multiple roles hamper the advancement of women in accessing land” (Moyo, 2017:19).

Land is important to combat discrimination against women. Women who are denied such access become disadvantaged resulting in economic powerlessness. Women are major contributors to productivity; hence it is important for them to access to land. “In a good number of African states,

including Tanzania, farming is a core economic activity and access to land is a necessary opportunity whereby underprivileged women are able to guarantee family food production requirements in an attempt to decrease malnutrition and poverty ..." (Moyo, 2017:18).

Tanzanian legislation establishes women's rights to the land through the enactment of (VLA, 1999). The act addressed the lack of female representative by rendering 33 per cent female representation on the land administration institutions. However, women do not put themselves forward for leadership positions to the same extent as men. In some villages in the Kilomero District, women are involved in commercial sugarcane production. However, hardly any women have leadership positions within the cane growers' associations or management roles as employees (Dancer & Sulle, 2015).

## 2.5 Overview of communal lands in South Africa

This section will discuss a brief history of South African communal land tenure. The concentration will be on tenure security and women's access to and experiences on communal lands. In giving clarity, relevant land laws will be discussed as supporting evidence to this study.

Du Plessis (2011) argues that communal land is what is left from of the 1936 Native Trust and Land Act, which, according to Ntsebeza (1999), was based on a 'permission to occupy' (PTO) system. The PTO system allowed rural residents to occupy land without any guarantees that they would not be evicted from that land. This act was repealed in 1991, but the PTO system is still informally implemented by some traditional leaders (Ntsebeza, 1999).

Under apartheid, and via the promulgation of the Bantu Authorities Act of 1951 and the Bantu Self-Government Act of 1959, 'native reserves' were converted into four 'independent' and supposedly ethnically defined 'homelands' or Bantustans (Transkei, Ciskei, Bophuthatswana and Venda), and six 'self-governing' territories (KwaNdebele, QwaQwa, Gazankulu, Lebowa, KwaZulu-Natal and KaNgwane). In the former homelands Lahiff (2000) argues that the land holdings were influenced by South African apartheid state and its policies.

In the post-apartheid era, communal land areas are under the custodianship of traditional leaders in accordance with the Traditional Leadership and Governance Framework Act of 2003; and since the Communal Land Rights Act of 2004 was declared unconstitutional on a procedural technicality in 2010, much of this land remains in trust by the state (Winkler, 2019). Bizana-Tutu (2008) explains that traditional leaders are not democratically elected but are instead empowered as a result of ancestral inheritance, which is patriarchal in nature. According to Beall, Mkhize and Vawda (2005), these are the descendants of leaders who were tasked during the colonial and apartheid eras to manage and 'control' their societies. Some of their duties included land administration as well as overseeing the safety and security of rural residents, addressing land disputes, and administering justice in terms of customary law, within which women were generally viewed as subordinate to men. Winkler (2019) and Ntsebeza (1999) argue that these powers and duties are not clearly defined in the legislation despite the fact that this institution is recognised in the Constitution of the Republic of South Africa, the Traditional Leadership and Governance Framework Act, and the Spatial Planning and Land Use Management Act (SPLUMA). This then creates contradictions and confusions between the Traditional Leadership and Governance Framework Act and the Constitution, which alludes to the fact that customary laws need to comply with the Bill of Rights of the Constitution in ensuring gender equality. Land use is an important planning component, which SPLUMA needs to work with traditional leaders and facilitate educating them before giving the implementation powers.

There are several issues raised regarding women's roles, rights, tenure security, access to land and decision-making powers. Religion, cultural barriers and customary laws have been cited as hindering women from participating in land management and local planning initiatives, as well as from participating in land acquisitions and decision-making processes (Wanyeki, 2003). Land is an essential resource for enabling subsistence livelihood strategies for many people and indigenous communities around the world, especially for women. However, as argued by Njieassam (2019:13), established societal constructs have "restricted indigenous women's ability to inherit, own and control land, which is a vital resource for sustenance and sustainable development". My research explores these suggested restrictions and the ability of communal women to inherit, own and control land in Cala, since land is a source of sustainable livelihoods in this rural area. It also explores their roles, rights, tenure security, access to land and decision-making powers in local planning processes.

### 2.5.1 Communal land and women in South Africa

Kameri-Mbote (2013) argues that land is important since it is both a social and economic resource for the betterment of rural people. But the fact remains that rural women in South Africa are still marginalised despite South Africa's progressive legislation. Marginalisation arises from cultural norms and values that promotes patriarchy. In the (State of Nation Address, 1994), Mandela (the first democratically elected president of South Africa) insisted that "freedom cannot be achieved unless women have been emancipated from all forms of oppression". Yet, in rural areas women do not own or control the land they lived on. This also limits the decision-making powers women have.

Classen (2013) states that in some African countries, some customs prevent women from being the sole owner of the land thus ensuring that men remain 'in charge'. The introduction of the Communal Land Tenure Bill (CLTB) of 2017, in South Africa has rectified the non-equality clauses that was found in Communal Land Rights Act (CLARA) Act of 2004, and LTB of 2017) now grants half of the leadership positions in communal land administration to women. However, the Bill remains at odds with the Traditional Leadership and Governance Framework Act of 2003.

Tlale (2018) argues that regardless of legal directives, entrenched patriarchal systems continue to hinder women's freedom because they are regarded as 'minors' although they are actively using the land for agricultural purposes. Tlale (2018) further asks whether the land is really 'communal' if women do not enjoy the communality of these areas the same way as men. Women tend to comprise more than half of the population on South Africa's communal landholdings. These women are also categorised by their marital status, namely as married or unmarried women, or as widowed, or as women with children or no children, or as women with male children or female children. Having male children is often presumed to be more 'valuable' than having female children in patriarchal societies. Furthermore, women's land rights remain more insecure than those of men, and these rights are often 'secondary' in nature, since women's access to land is often obtained only via their husbands or other male relatives.

In many South African rural communities, Tlale (2018) argues that women, whether married or not, may not inherit family land. In the case of unmarried women, traditionally, the family uncles have a claim to their fathers' property, while for married women, the brothers of the deceased husband claim their brother's property. An urban example of this took place in Khayelitsha where an application was made on behalf of the two minor daughters who were threatened by an uncle's claim to their deceased father's property. The High

Court found that the customary law rule of male succession unfairly discriminated against the two children since it prevented them from inheriting their late father's estate. These findings from the literature are explored in the Cala case study (see Chapter 4).

## 2.6. Conclusion

The first section of this chapter highlighted the feminist planning perspectives from both the Global North and South, as well as the different vulnerabilities that women are facing in these different contexts. For many feminists, planning needs to become more sensitive to and aware of women's different needs. Black feminism, in turn, is seen as a radical response to discrimination. As such, Black feminism includes arguments for 'radical planning', activism and the indispensable role performed by women's organisations to enable community development. Thereafter, I explored the current legislation that aims to protect and promote women's rights, tenure security, access to land and decision-making powers in local planning processes. However, as we have seen, the ambiguities and contradictions found in the legislation are perpetuating entrenched patriarchal systems, while SPLUMA, which is supposed to promote more just and equitable spatial outcomes, remains silent about these issues.

In this chapter I also reviewed the literature on women's communal land rights in Kenya and Tanzania. Here, a number of similarities with the South African context were identified. As such, lessons learned from Kenya and Tanzania may assist us in rethinking some of our planning and land reform policies in South Africa (see Chapter 5). Finally, the literature on women and communal land in South Africa was discussed. Findings from the literature presented in this chapter have enabled the establishment of assessment categories and related subsidiary research questions for the purpose of assessing the Cala case study. These are summarised in the below table.

## 2.7 Summary Table

LITERATURE	ASSESSMENT CATEGORIES DERIVED FROM THE	SUBSIDIARY RESEARCH QUESTIONS DERIVED
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	LITERATURE REVIEW	FROM THE ASSESSMENT CATEGORIES
Feminism and Black feminism	<ul style="list-style-type: none"> <li>- understanding women's vulnerabilities and different needs.</li> <li>- the importance of women's organisations to enable community development;</li> <li>- the important role of women activists;</li> </ul>	<ul style="list-style-type: none"> <li>- What are the social and economic vulnerabilities experienced by rural women in Cala?</li> <li>- What might we learn from women's alternative ways of navigating traditional spaces when it comes to community development?</li> <li>- Are women activists in Cala enabling women's rights? If so, how are they doing this?</li> </ul>
The South African legislation	<ul style="list-style-type: none"> <li>- a directive that necessitates equal rights for men and women, including equal rights in local planning processes;</li> <li>- a directive that necessitates that women represent at least a third of the membership on a traditional council;</li> </ul>	<ul style="list-style-type: none"> <li>- Does Cala have women in traditional positions? If it does, what are their roles, and how much powers do they have?</li> <li>- How many headwomen exist in Cala?</li> <li>- How are women involved in local planning processes?</li> </ul>
	<ul style="list-style-type: none"> <li>- the role of customary law;</li> </ul>	<ul style="list-style-type: none"> <li>- How do woman navigate customary traditions when putting forward their views, ideas and aspirations?</li> <li>- How do women access land?</li> <li>- How do women secure their livelihood strategies?</li> </ul>

Communal land	<ul style="list-style-type: none"> <li>- the management, control and administration of communal lands;</li> <li>- development responsibilities;</li> <li>- decision-making powers;</li> </ul>	<ul style="list-style-type: none"> <li>- What is the role of woman in communal land administration?</li> <li>- Who is responsible for development?</li> <li>- What are the decision-making powers of women living on communal land?</li> </ul>
Lessons from Kenya and Tanzania	<ul style="list-style-type: none"> <li>- strengthening tenure rights in rural areas;</li> <li>- facilitating inclusionary consultation and public participation processes;</li> <li>- devolving land administration and local planning processes to Village Assemblies</li> </ul>	<ul style="list-style-type: none"> <li>- Is tenure security an issue in Cala? If so, how and why?</li> <li>- How are consultation and public participation processes facilitated in Cala?</li> <li>- Who has control over land administration and local planning processes in Cala?</li> </ul>

## Chapter 3: Research Methods

### 3.1 Introduction:

In the previous chapter the research questions were outlined. This chapter presents a description of the research methods and techniques. It provides information concerning the method that was used in undertaking this research as well as a justification for the use of this method. This will be followed by a discussion and outline of the research techniques utilised, namely interviews, individual semi-structured interviews and non-participant observations. The chapter also describes the various stages of the research, which includes the selection of participants, the data collection process, the process of data analysis and ethical concerns that informed the study. The

study had major limitations. I will discuss how I aim to address such limitations. This chapter can be divided into two broad parts. The first part is concerned with data collection, whilst the second part is concerned with data analysis.

## 3.2 Research Methods

This section outlines the processes that were followed to gather the data. The choice of research methodology and consequently research techniques was informed by the research question. It was also informed by the desire to describe and understand the processes of change that are taking place in the Cala communal areas from the views of people living in these areas.

### 3.2.1 Case study Methods

The case study is an in-depth investigation of an area, its development and occurrences (Flyvbjerg, 2011). Abercrombie, Hill and Turner (1984 as cited by Flyvbjerg, 2006: 220) argued that the case study is the “detailed examination of a single example of a class of phenomena”. Flyvbjerg (2006: 220) is quick to dismiss this understanding of the case study as “oversimplified” and in many respects misleading. Flyvbjerg (2011) notes that according to the Merriam-Webster dictionary, case study is a analysis of an individual unit. For this research, the Sakhisizwe communal lands is the individual unit where an analysis is conducted. There is a misconception that a case study doesn't provide information on a larger class (Flyvbjerg, 2011). This research gives rich knowledge of women's struggles in communal land and how they navigate development the development and planning within the South African context.

Flyvbjerg (2011: 302-309) further mentions that there are misunderstandings associated with the case study method, which are discussed below:

- There is a misunderstanding that theoretical knowledge that is general is of greater value than solid case knowledge. In disputing this, Flyvbjerg (2011) argues that knowledge and experience which are dependent on context, are at the centre of expert activity.
- There is a misunderstanding that a researcher cannot make a generalization which is founded upon an individual case, and therefore, a case study cannot contribute to the development of science. In disputing this, Flyvbjerg (2011) describes that this depends on the case how was it chosen.
- There is a misunderstanding that a case study is best suited when it comes to determining a hypothesis, whereas other methods are better suited when it comes to the testing of hypothesis and the building of theory. Flyvbjerg

(2011) by disputes this statement by arguing that case studies understand that concepts are sensitive to context and new hypotheses and new questions are constructed (Flyvbjerg, 2011).

- Case study method is biased. In response to this statement Flyvbjerg (2011) mentions that the case study method has a rigor which is not less strict than the rigor of quantitative methods.

Babbie and Mouton (2001) believe that the greatest weakness of the case study is the inability to generalise findings. In contrast, Flyvbjerg (2006) disagrees with this statement and argues that it is possible to generalise from a single case study. Whilst recognising this as a weakness of the method, it must be pointed out that the aim of this my research is not to generalise any of the findings. Rather, the aim of using this case study research method is to explore how, and to what extent women are involved in the spatial planning and development of rural settlements that are under the custodianship of traditional leaders in Sakhisizwe Municipality, Eastern Cape; and to critically assess the impact of their involvement on local planning and development with the aim of suggesting future planning policies for communal landholdings in general.

Case studies also allow for flexibility and innovation, which is necessary as data is collected from people with other engagements. This allows for unforeseen circumstances. This then means that the case study is highly adaptable to its context (Duminy, et.al., 2014).

Flyvbjerg (2011) argues that case studies evolve over time, and in accordance with changing events of occurrences. This is an important characteristic of case studies as political changes have a great influence on spatial planning.

### 3.3 Research Techniques

The previous section gives an outline of the research methods which were used to answer the main research questions and the subsidiary research questions. The following section briefly discusses the research techniques which were used in conducting the research.

#### 3.3.1 Interviews: Semi-structured interviews

This research technique involved interviews with women who lives in communal lands, women community groups, traditional leaders (Izibonda), men who stay in communal lands and officials from Sakhisizwe Municipality (Planning Department). Ultimately, the interviews were used to explore the

reason for the change in the values and meanings, as well as how this change affected planning actions. These interviews were conducted in a semi-structured fashion. Halse and Honey (2005) argue that semi-structured interviews are flexible. This style of conducting interviews allow for flexibility, yet specific questions were asked so as to get comparable results. This allows easy comparison of results and to see differences.

Potter (1996) argues that interviews are valuable tools for collecting data in qualitative research. A one-on-one interview method allows the researcher to interact with the participants and to observe non-verbal cues during the interview process. In this study an unstructured interview method was used to allow for an open, in-depth discussion of the research topic. Denzin and Lincoln (2005) argue that unstructured interviews allow the researcher to understand the complexity of the situation without imposing any prior categorization. Through choosing interviews as a method of data collection the researcher hoped to gain a deeper understanding of the participants constructions through dialogue and through the language that they use in constructing the different discourses. Building trust with the participants is important in the interaction or relationship and somewhat makes it easy for the participants to share their own experiences without fear of being judged (Stanley, 1990). It has been easy to build the trust with participants through my insider status as a resident of the area and through my knowledge of the area and culture. My status as an insider had its own disadvantages. People assumed that I already know the answers to my questions. In order to address this limitation, I had to probe research participant's answers and encouraged them to explain their feelings and aspirations.

### 3.3.2 The Oral history interview

The oral history interview is a story telling technique which was developed by Krokoff and Gotmman (Krokoff, 1984 as cited by Buehlman, Gottman and Katz, 1992). Storytelling is defined by Manning Thomas (2004: 53) as "the narration of some event or experiences". These stories, also referred to as texts, are not waiting to be discovered they are co-created through dialogue (Field, 2012). The methodology of the oral history interview is the same as that of an unstructured interview (Fontana & Frey, 1994; Manning Thomas, 2004;). However, and as Manning Thomas (2004) argued, the concern during oral history interviews is on the process of storytelling, as opposed to concern with asking the right questions.

Storytelling can be used to narrate and uncover the sequence of how and why the event(s) happened. These stories helped to answer the main

research question. The stories also provide insight into how planning might be able mitigate social dynamics of a society. Despite this advantage, storytelling has been criticised for being inaccurate. Throgmorton (2003) refutes this criticism on the grounds that individuals who hold this opinion are expressing a concern with technical accuracy (truth) and not normative evaluation and accuracy. Throgmorton (2003) goes on to argue that whilst the facts do matter, what are more important are the meanings that are attached to them. The meanings of past events are difficult to verify, particularly in the absence of corroborating evidence such as photographs. Sandercock (2003) argues that story plays a pivotal role in the process of making the city legible. It is through narration that the city is constituted and in turn shaping our behaviours. This argument gives some weight to storytelling and provides insight into how planning is itself a form of storytelling.

For my research, I employ topical interviews since its focus is on obtaining information about an event (Gluck, 1977). In this research, the participants were to tell the story of their lives in communal areas of Cala and changes that they have witnessed when it comes to women's role in developing these communal lands. In addition to time constraints, the decision to partially structure the interviews was motivated by the need to maintain the focus of the research (Buehlman, Gottman & Katz, 1992). This research is focused on challenges that these women experience through the management of these areas. It is, therefore, necessary for spatially oriented questions to be asked in addition to questions on one's life story (Field, 2012).

### 3.3.3 Discourse Analysis

I also made use of discourse analysis. Discourse analysis as explained by Babbie and Mouton (2001) is a qualitative and interpretive method of analysing written text. Material that will be used are books, government documents (IDP and SDF) newspapers, websites, social media and articles written to answer my research question. This method will help with information to analyse the transitions that has happened in Sakhisizwe with changing regimes and political history with regards to the gender roles.

### 3.4 Sampling

Lyelle (1998) argues that qualitative research usually focusses on relatively small samples. Mouton (1996) defines a sample as selected parts with the idea of understanding something about the population where the part was

selected from. Polit and Hungler (1993) argue that convenient sample consists of subjects included in the study because they happen to be in the right place at the right time. My knowledge of the community helped in sampling the participants. I choose the sample from the following groups:

Women who live in communal lands

Women from - woman community groups

Traditional leaders (headmen and Sub headmen)

Men, who stays in communal lands

An official from Sakhisizwe Municipality (planning department)

Ward councillors

Woman organisations

### 3.5 Ethical Considerations

Conducting research requires not only expertise and diligence, but also honesty and integrity. This is done to recognise and protect the rights of human subjects. For the study to be rendered ethical, the rights to anonymity, confidentiality and informed consent were considered. Written requests were made, and consent was received from participants.

The forms also informed participants that they could withdraw from the research process at any time if they wished to do so. The second and related issue is that of confidentiality. This issue was dealt with through the use of pseudonyms to identify the participants as opposed to their real names. Although some participants did agree for their names to be used in the final document, I decided not to do this because identifying them would make it easier to identify those who had not given consent for their names to be used. This would be possible as research participants live in the same area and are part of the same network; a problem identified earlier in relation to snowball sampling techniques.

### 3.6 Analysing

Data analysis is a process where the researcher extracts, summarises and draws conclusions from the relevant data collected. The steps involved collecting, coding, organizing and screening the data, and then narrating the findings (Yin, 2012). In making sense of the data, a researcher must transcribe, scan, clean then code and present the data. Careful

consideration was given in transcribing data and contradictions were found and clarity was sought through follow ups.

The data was classified according to themes from the literature review and coding was used. Babbie & Mouton (2001) defines coding as selecting a core category, doing an orderly comparison with other categories to validate and improve for more clarity. The results will then be discussed in chapter 4.

### 3.7 Conclusion

This chapter outlines the research methods and research techniques used to answer the main research questions. The research methods have both strengths and weaknesses but are seen as being the most suited to the study. The next chapter serves as the actual study. The chapter delves into the findings of the research as well as the analysis of those findings. This chapter shows how the answers to the main research questions were reached.

## Chapter 4: Research findings and analysis

### 4.1 Introduction

This chapter presents the analysis of the findings from the data collected using the methods outlined in chapter 3. The chapter begins with an overview of the study area and then presents the findings. To conclude, I include a table, which presents a summary of the findings in relation to the subsidiary research questions established in chapter 2. It is to the context of the case under study area that the chapter now turns.

### 4.2 The Case study Area: Cala

Cala is a rural town in the Eastern Cape Province of South Africa (see figure 4.1 below). Cala covers a 46.60 km<sup>2</sup> area within the Sakhisizwe Local Municipality. The name Cala is an isiXhosa word, which means 'adjacent to'. The name refers primarily to its location west of the Drakensberg mountain

range that extends from the north to the south. It is situated close to the Tsomo River, and 28 kilometres southwest of Elliot (Census, 2011).

Due to apartheid-era segregation policies, Cala has a predominantly black African population. The majority of people living in Cala's communal lands are Xhosa.

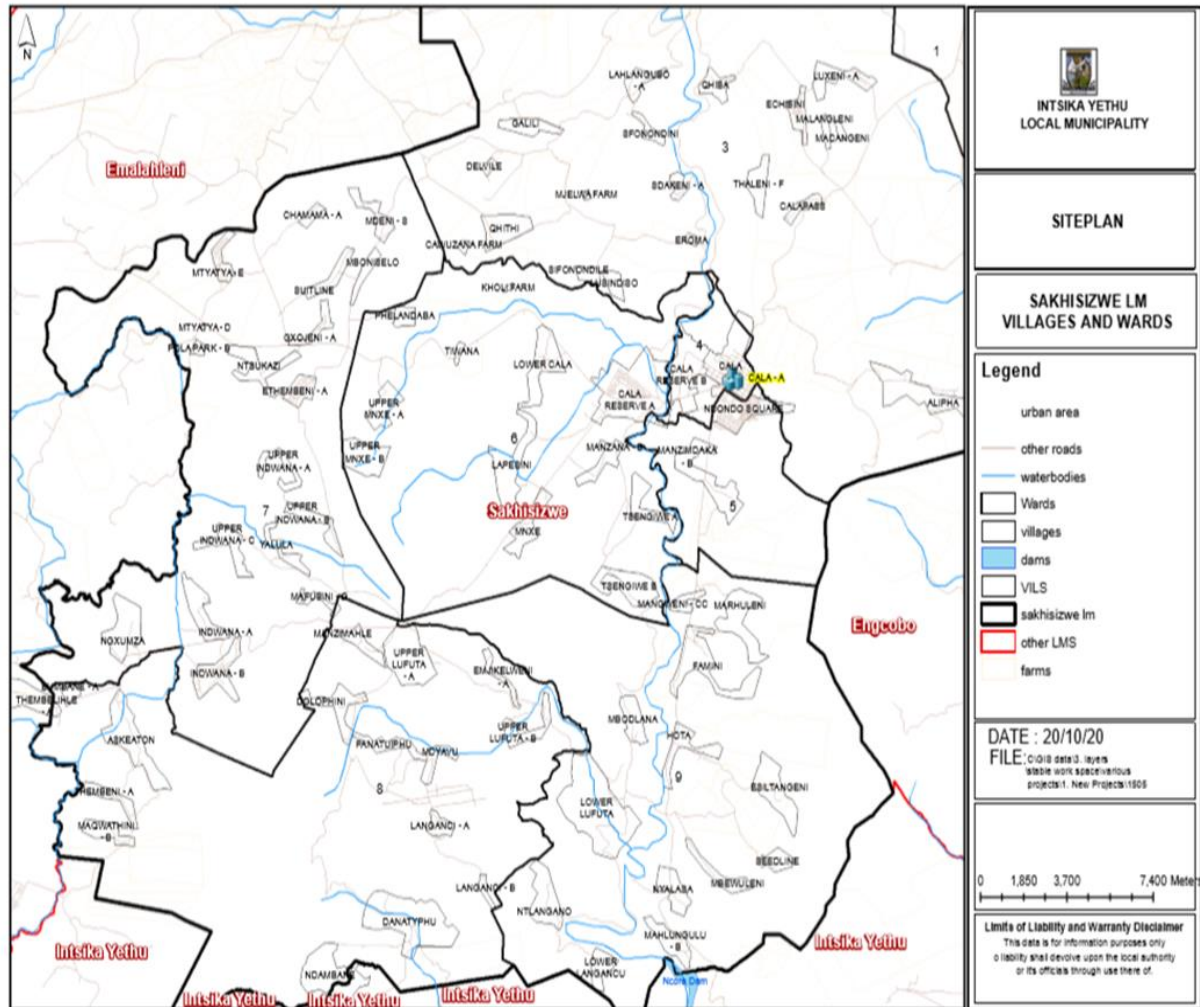


Figure 4.1 Sakhisizwe Villages and Wards (source: GIS data,2020)

#### 4.2 Governance and Administrative Structures

To understand how development happens on communal lands, one needs to understand the governance and administrative systems in these places. In Cala, there are 21 rural villages (Census, 2011). Each village is made up of clusters of sub- villages. For example, Upper Lufuta village is made up of the

following sub-villages namely Mjikelo, Upper Voyizana, Lower Voyizana, Ndum ndum and Ndyavu, see figure 4.2.



Figure4. 2. Sub-villages that make one Village (source: afrGIS,2021)

These sub-villages are under the rule of an elected person called the sub-headman. And all these sub-headmen report to the Headman who is also an elected member of the community. Headmen have always been elected in most villages of Cala since colonial era with the exception of Mbenge village which was Chief Gecelo's original farm. In this village the Headman is appointed from the royal lineage (Ncapayi, 2015).

The headmen then report to the Chiefs (*iinkosi*), who presides over that area. The Chiefs are not elected officials, the title is based on family lineage. In Cala there are four Traditional Councils (TC) (*linqila*). KwaGcina Traditional

council headed by Chief Gecelo, MaQwathini TC headed by Chief Stokwe; Ehlathini, led by Headman Mbovane; and Qolombeni, led by Headman Zengetwa.

Section 3.2.(b) of the Traditional Leadership and Governance Framework Act of 2003 provides for the establishment of traditional councils with at least a third of the members of the council being women. The council consists of the Chief, Headmen and elected members from communities.

According to one of the Headmen, in their traditional council there are no women. He explains that in the previous council there were two women who were among the 40 percent elected members but were not paid so they later decided to step down. The current council is male dominated.

### 4.3 Women in leadership positions

The Sakhisizwe Municipality's Integrated Development Plan ([IDP], 2011; 2015/16), calls for the development of dedicated programmes to facilitate the incorporation of women in key spatial planning and decision-making roles. Unfortunately, the IDP does not specify what these programmes are. This call is made with great awareness of the challenges the Municipality has faced in involving women in spatial planning processes in areas in which land is held communally under the custodianship of traditional leaders.

In Cala, all interviewed headmen confirmed that there is no headwoman, only headman. The Headman's committee consists of two members from all the sub villages i.e., the Sub-headman and his/her deputy. Out of four Headmen interviewed, two agreed that in their committees there are no women. Only men are in their decision-making committees. Nyaba (24/10/2020), the Lower Lufuta Headman, clarifies: "it has always been like that; it has never [been] done in any other way". Nyaba (24/10/2020) notes that they (the headman) would welcome a woman to serve on the committee as a secretary if the need arises. This, however, is not the case in other villages.

Contrary to what the literature says, there has been some progress in a few villages when it comes to including women in leadership positions. Two Headmen, Mr Olayi of Upper Lufuta village and Mr Mzandolo of Manzimahle have confirmed that there are women in their committees as sub-headman of one of the sub-villages. Mangxabani, a female sub-headman, notes that she was nominated and voted into that position by the community. She narrates that, at first, she was uneasy about the decision, but she now feels confident because she has the support of men (Mangxabani, 25/10/2020).

#### 4.4 Development and Planning of communities: Power dynamics

As stated in chapter 2, communal lands are under the custodianship of traditional leaders as established by the Traditional Leadership and Governance Framework Act, No. 41 of 2003. The communal areas under study, and the villages therein, are under a traditional leader, which is the headman in this case. The headmen command respect as leaders of their communities. When one enters the jurisdiction of the Headman on an official visit, they should first report to the Headman for example, if the police need to arrest someone in these areas they first have to go and report to the Headman before they make an arrest. The White Paper on Local Government (1998), explains the roles and responsibilities of traditional leaders, include amongst others the following;

- calling public meetings where community needs, and priorities are discussed.
- making recommendations on land allocation and the settling of land dispute

However, given their location within the boundaries of Sakhisizwe Municipality the villages are also part of the ward structures. The municipality is divided into wards, and each ward has a ward councillor. The demarcation of each ward normally covers more than one village. For example, ward 8 consists of the following villages such as Upper Lufuta, Langanci, Manzimahle, Mthingwevu, Asketon and Seplan, see figure 4.3. All these villages have their own headmen.



“[W]e approached our councillor to request for funding for our community garden. He demanded to see our membership cards before he could help us. Even today we never got to hear from him because we never showed the ANC membership cards. Usibonda (headman) applied for us in department of agriculture ... these things take a long time “

According to Headman (interview, 25/10/2020) there is a perception of ward councillors that traditional leaders are blocking development by not being open and accommodative to them when they come to their villages but that is not the case, being custodians, it is their responsibility to protect the community and look after the welfare of their areas.

Unfortunately, and despite the existence of parallel development processes, the town planner could not produce the Sakhisizwe Municipality's current SDF. The Spatial Development Framework (SDF) is a guiding plan of any municipality's economic, spatial, social, institutional, and environmental programmes. It is a vision of the municipality's future spatial form, which guides the prioritisation of development projects in the area. According to the headmen, they are not using any guide or document to develop and plan for their respective rural areas. They do not get any projects from the municipality, although they are represented in the council. The Headman (interview, 25/10/2020) explains that when there is a project to be done in a village, they (headmen) send requests or applications to that specific department. For example, he sent a request to the Department of Agriculture for help dealing with soil erosion on their fields. The department then asks him to employ a certain number of people from across the villages in his jurisdiction. This shows that the local municipality needs to incorporate both structures in dealing with service delivery. The lack of an SDF also creates haphazard development in the area. The headmen bypass local government in their interactions with Provincial departments to get assistance. It is unsurprising, therefore, that the municipal town planner lacks knowledge of any current projects running in the rural parts of the municipality. As the town planner (interview, 27/10/ 2020) states, “we concentrate on developing the town and we have nothing to do with rural area”.

The relationship between traditional leaders and ward councillors is key to service delivery. The siloed nature of these institutions has a detrimental impact on the development of communities.

#### 4.5 Women's Experiences in Cala

Traditionally, community development has been controlled by men. This is noticeable from the gender disparity in management positions across South Africa, and especially in rural areas including Cala where there are very few women in traditional councils. The presence of women in traditional structures such as sub-headman does illustrate that rural women are slowly getting active in local politics and in public processes, which were originally hindered by traditional customs and social norms. Nevertheless, despite representation in sub-headman roles, all the headmen agree that there is a lack of projects that incorporate women. One of the headmen reiterates that:

“[M]ost of [the] projects that we run are tailor made for men such as chopping and clearing Indwabasi (an indigenous tree dominant in the area). When we get projects where women can be employed, we prioritise them”.

According to ward councillor Mr Z. Mbasana (interview, 25/10/ 2020), when it comes to uplifting women, they ensure that women get projects from the local government. Their jobs as ward councillors is to distribute these jobs across the different wards. He agreed with the headmen that even these jobs are mainly for men (Mbasana, interview, 24/10/2020).

Women in Cala lack information on how women can equip themselves economically. One ward councillor (interview, 24/10/2020) explains that even the projects that they get from the municipality, such as the gravel road maintenance project for example, are more tailored for men. He mentions that the only project, which is for women is the school feeding scheme (Mbasana, interview, 24 /10/2020). This statement also shows that in rural areas the roles reserved for women are related to the kitchen.

Most women rely on social grants for their livelihood. They use their social grants to form stokvels, and the money is either used to finance school, clothes, groceries and any other household needs.

This finding emphasises the lack of women upliftment in Cala.

#### 4.6 Women and Land security

As discussed in chapter 2, securing land has been a challenge for women in communal lands but with the amount of power given by SPLUMA regulation 19 to traditional councils, Cala has made progress towards helping women secure land. Contrary to what the literature says, women on Cala's

communal lands have access to land irrespective of their marital status. One headman explains the process of accessing land as follows:

“One must identify a piece of land. Then you go to your sub-headman and make a formal request and tell him/ her that you have seen land that you would like to build your house on. Then a meeting is called where your request will be formally tabled. If there are no objections to your request, then the next step is to table it to the headman. The headman will then call department of agriculture representatives to come and finalise the process and register the site officially”.

This process is followed by everyone irrespective of gender.

Contrary to the above statement, Zikhona (a female with a child who resides in Upper Lufuta) (interview, 26/10/2020) claimed that her uncle was the person who was going to table her case in a meeting when she was applying for a place. “My uncle has to go and represent me in that meeting because as a female my case is not going to be taken serious if I go on my own” Zikhona (interview, 26/10 /2020). The above statement shows that there is progress in this regard, but women are still treated as second class citizens if in some areas they are not taken seriously when putting their view forward.

Land is also made available for projects to uplift women like the Ntsundu and Sukude co-operatives, and the Zenzele vegetables gardens. These projects help women to be financial stable and independent of men. These organisations have become key poverty alleviation and upliftment projects within the community. The organisations undertake different kinds of farming; from cultivating the land to produce crops, to piggery and poultry farming (see figure 4.4 below).



Figure 4.4 Different kinds of farming (Source: author's photographs)

These projects were initially funded by women themselves. Some women used their social grants. Although they had applied for funding when they were starting the project the municipality only gave them fertiliser this year.

According to Sakhisizwe Integrated Development Plan Review (2015 – 2016), the municipality's local economy could not deal with key problems like poverty and unemployment.

The produce is used to feed their families, in one of two ways. One, by putting food on the table. Second, by selling excess produce to nearby stores like Spar, Boxer, and Shoprite. There is employment generated by these gardens. For example, there is a woman who buys spinach for R6.00 and resells it in town for R12 a bunch. These projects provide livelihood opportunities and some economic stability for women.

#### 4.7 Social and Economic Vulnerabilities

Social vulnerabilities are challenges that hinder women's progress and might harm the community. These can be physical, material or emotional. Social and economic challenges are intertwined. In this section, I discuss some of the key social and economic challenges of women in Cala's communal lands.

##### 4.7.1 Gender Based Violence

It was apparent in conversations with women in Cala that gender-based violence (GBV) is a cause for concern in Cala's rural communities. This is similar to findings in the literature that GBV is one of the critical challenges that women are facing all over South Africa. As Bloom (2008: 14) argues, GBV in the Cala's communal areas is the "result of the normative role expectations associated with each gender, as well as the unequal power relationships between the genders" within this context. One of the women I interviewed explains that GBV happens in homes because:

"[M]en know that we depend on them for survival since we are not working. They say they are disciplining us. These beatings mostly happen when men are drunk. They come home and demand food that they didn't even buy. When there's no food the beatings will start".

In other cases, men become violent when they want drugs and cannot afford them (Macutwana, interview, 26/10/2020). They then target households with women and break in looking for money to feed their addictions.

#### 4.7.2 Cultural Norms

Cultural norms are also the reason for violence against women. The expectation that women must be submissive and men dominant also results in men thinking that they can do anything they want to women. This has resulted in men raping and killing these women. As Mrs Macutwana (interview, 26 October 2020) says:

"He would beat her every day. People would come and try to make peace but the following day the beatings would continue. He said he was the man of the house and has a right to discipline his wife. One day he beat her with an iron on the head. She never cried and she fell down and that was her end".

Cultural norms are also the reason that women are unable to speak in certain situations. The headman from Manzimahle (interview, 24/10/2020) and some women have highlighted that the fact that men are still using culture to prevent women from speaking out in certain circumstances. For example, one single woman narrated a story about how she could not represent herself in a case where her dogs were alleged to have killed a sheep that belonged to a male neighbor. As Mrs Macutwana (interview, 26/10/2020) narrates:

"[W]hen I arrived at the headman's meeting; I was forced to not stand up when I am talking. They demanded that I come with a representative to argue my case because they (men) will not have a woman speaking to them".

Although this Headman highlighted this, he was quick to explain that he does not feel comfortable with this arrangement and would like to find a way to end this treatment of women. Mr Mzandolo (interview, 27/10/2020) pointed out that this is not law but the cultural norms.

#### 4.7.3 Poverty

Many female-headed families complained about food security as one of the social challenges that rural women are faced with. To get food, communities rely on their own production (crops and livestock), undertaking labour in exchange for food and social grants. These three sources of food, though, are inadequate as most female-headed households run out of food before the end of every month. This requires them to scramble to feed their families for the rest of the month.

This is despite the constitutionally guaranteed right to have access to sufficient food and water, and that "the state must by legislation and other

measures, within its available resources, avail to progressive realisation of the right to sufficient food” (RSA, 1996). This is also despite the identification of food security as a priority policy objective in the Reconstruction and Development Programme (RDP).

#### 4.8 Woman as Activists

According to the Bill of Rights, all women in South Africa received formal recognition as equal citizens. In South Africa, black rural areas and women were under the social and even legal control of their fathers or husbands (via customary law). This position regarded woman as second-class citizens. Section 9 of the Bill of rights prevents individuals from unfair discrimination based on of gender (Constitution of the Republic of South Africa, 1996).

Mr Mzandolo (Interview, 27 October 2020) praised women for standing up and being vocal in issues like rape and gender-based violence. “Recently there has been several cases of rape in Manzimahle. Women stood up and were in the forefront of those cases. In one instant where an old lady was raped, they took the case to the authorities themselves and helped with the arrest of the suspect. The support that they are showing one another in terms of crisis is amazing”.

Recently, CALUSA (Cala University Student Association) has been monitoring the state of governance of the embattled Sakhisizwe Municipality. The organisation provides support to the Sakhisizwe Civil Society Structures Forum in terms of research on local government legislation and in turn uses this to capacitate members of the Forum to understand their role in local government policy formulation. This initiative to promote the involvement of civil society in local government policy formulation has led to the Forum drafting its own integrated development plan (IDP) which it calls “The people's IDP”. The research for the people's IDP focused on identifying assets that exist communities. The social mobilization stream which is led by local women, such as Mrs Nopote who leads Siyazakha land and development Forum has visited several communities, lobbying them to be part of the initiative and make their own submissions towards the people's IDP (Mr L Ncapayi a CALUSA member (interview, 27/10/ 2020) .

In essence, women have played a leading role in getting community members to be role players in how their communities develop, especially the planning that goes into it, driven by government.

## 4.8 Summary of Findings

LITERATURE	ASSESSMENT CATEGORIES DERIVED FROM THE LITERATURE REVIEW	SUBSIDIARY RESEARCH QUESTIONS DERIVED FROM THE ASSESSMENT CATEGORIES	SUMMARY OF FINDINGS
Feminism and Black feminism	<p>understanding women's vulnerabilities and different needs;</p> <p>the importance of women's organisations to enable community development;</p> <p>the important role of women activists;</p>	<p>What are the social and economic vulnerabilities experienced by rural women in Cala?</p> <p>What might we learn from women's alternative ways of navigating traditional spaces when it comes to community development?</p> <p>Are women activists in Cala enabling women's rights? If so, how are they doing this?</p>	<p>-Gender based violence</p> <p>-Poverty due to lack of employment.</p> <p>No -women power and voice</p> <p>Collectives can change situations. I.e. using land for economic stability.</p> <p>Women lobbying for participation in peoples IDP</p>
The South African legislation	<p>a directive that necessitates equal rights for men and women, including equal rights in local planning processes;</p> <p>a directive that necessitates that women represent at least a third of the membership on a traditional council;</p>	<p>Does Cala have women in traditional positions? If it does, what are their roles, and how much powers do they have?</p> <p>How many headwomen exist in Cala?</p> <p>How are women involved in local planning processes?</p>	Cala doesn't have woman who is a Chief, Headman but in some areas, there are sub-headman.
	the role of customary law;	How does woman navigate customary traditions when putting forward their views, ideas and aspirations?	It is still difficult for women to push their ideas through, but it is important to note that some areas are more flexible than others. There are areas where at certain levels leaders are women. Those areas women

		<p>How do women access land?</p> <p>How do women secure their livelihood strategies?</p>	<p>voices are heard and accepted.</p> <p>To access land, one has to identify the land. Apply through sub-headman. Application tabled in a meeting and if acceptable then it goes to Headman. Then the Headman will send the request to the department of Agriculture which will officiate it.</p>
Communal land	<p>the management, control and administration of communal lands;</p> <p>development responsibilities;</p> <p>decision-making powers;</p>	<p>What is the role of woman in communal land administration?</p> <p>Who is responsible for development?</p> <p>What are the decision-making powers of women living on communal land?</p>	<p>Women still play a very minimal role. Even though some headmen agreed that there are women in their subcommittees they still feature in secretary's roles.</p>
Lessons from Kenya and Tanzania	<p>strengthening tenure rights in rural areas;</p> <p>facilitating inclusionary consultation and public participation processes;</p> <p>devolving land administration and local planning processes to Village Assemblies</p>	<p>Is tenure security an issue in Cala? If so, how and why?</p> <p>How are consultation and public participation processes facilitated in Cala?</p> <p>Who has control over land administration and local planning processes in Cala?</p>	<p>Progress has been made in tenure security. Women can now access land although they still consider there are still strict restrictions with girls who do not have children.</p> <p>Traditional leadership (Chiefs headman, Sub- headman) – still have control. Municipality through Ward Councillors</p> <p>Though Traditional leaders- They work through departments. While Ward councillors work through municipality.</p>

## Chapter 5: Recommendations and Conclusions

### 5.1 Introduction

The aim of my research was to explore how, and to what extent, women are involved in the spatial planning and development of rural settlements that are under the custodianship of traditional leaders in Cala, Sakhisizwe Municipality; and to critically assess the impact of their involvement on local planning and development.

The exploration was undertaken by employing the literature reviewed in chapter 2, which included arguments from scholars on the following themes: communal lands; feminism; and guidance from the contemporary legislation. These themes later become the criteria to evaluate the case study area (namely, Cala). The main research question asked: How, and to what extent, are women involved in the spatial planning and development of rural settlements that are under the custodianship of traditional leaders in Sakhisizwe Municipality? And, what is the impact of their involvement on local planning and development?

In response, the research findings demonstrate that women still play a very minimal role in communal land planning and development (see chapter 4). Instead, that role is still very much a male dominated territory which is protected by cultural values and norms despite the promulgation, since 1994, of progressive legislation for the purpose of promoting gender equality in South Africa. Furthermore, research findings demonstrate the very slow progress made since the end of apartheid of women's inclusion in decision making processes and management structures of communal lands. Rather, the patriarchal nature of communal land management remains prevalent in Cala (and in many other rural regions of South Africa, as argued in the literature). Yet despite these hindrances, research findings also demonstrate how women make use of their collective power to put forward their needs and to make their voices heard (see chapter 4).

The research findings also demonstrate the confusion created by the legislation—including the Spatial Planning and Land Use Management Act (RSA, 2013), the Traditional Leadership and Governance Framework Act (RSA, 2003), and the Municipal Systems Act (RSA, 2000)—between traditional leaders' and ward councillors' land administration roles and responsibilities, since these roles and responsibilities are not explicitly defined in the legislation. This lack of clarity regarding traditional leaders' land administration and development responsibilities vis-a-vis the responsibilities of

ward councillors is placing tremendous strain on rural planning and development, while hindering service delivery on communal landholdings. Moreover, and as the research findings demonstrate, the local municipality lacks a strategy to incorporate these two structures for the purpose of enabling collaborative planning outcomes and desires to work together.

This chapter presents answers to the main and subsidiary research questions established with the aim of suggesting policy recommendations before concluding the study. Answers to the main research question (which are presented in the two paragraphs above) serve to introduce this chapter. The next section will focus on revisiting the subsidiary research questions and providing answers to these based on the research findings presented in chapter 4. Research questions and answers are grouped according to the four themes established in chapter 2. This will be followed by a section on proposed recommendations based on lessons learned from the in-depth case study methods used to undertake this research (see chapter 3). Finally, this chapter will conclude with a reflection section.

## 5.2. Answers to the subsidiary research questions according to their themes

### 5.2.1. Feminism and Black feminism

#### ***What are the social and economic vulnerabilities experienced by rural women in Cala?***

Gender based violence is a concern in Cala's rural communities. This is perpetuated by cultural norms which expect women to be submissive and men to be dominant. These norms promote the idea that men can do anything they want to do to women, thereby perpetuating the regressive idea of 'women as second-class citizens' (see chapters 2 and 4). Furthermore, food security is another social and economic vulnerability experienced by rural women in Cala. To gain access to food, communities tend to rely on their own production (of crops and livestock), or they undertake labour in exchange for food. Most households also rely on social grants to address food insecurities. Such research findings then necessitate answers to the second subsidiary research question asked:

#### ***What might we learn from women's alternative ways of navigating traditional spaces when it comes to community development?***

Research findings demonstrate that 'there is power in numbers' via collective action (see chapter 4). Thus, while many research participants acknowledge that 'change comes slowly', some equally state that by 'using what you have access to', including access to land, they are self-empowered to change the economic stability of the community. These approaches of collective action and making the most of what you have—which, in turn, speak of women's alternative ways of navigating traditional spaces—are the first steps towards gaining power. The research findings demonstrate how 'collectives' can change situations by using land and other resources for economic stability. For these reasons, women continue to lobby for their participation in the people's IDP (see chapter 4). Furthermore, research findings show that by sustaining themselves via alternative ways of navigating traditional spaces, women are gaining respect from men and traditional leaders (which remains a relevant aspect of black feminism in traditional settings). This brings us to the final subsidiary research question asked under the theme of 'feminism and black feminism':

Are women activists in Cala enabling women's rights? If so, how are they doing this?

Women in Cala are active in supporting each other by voicing their concerns like GBV and poverty. They involve themselves in community-based organisations, including CALUSA (Cala University Student Association), the Sakhisizwe Civil Society Structures Forum and the Siyazakha Land and Development Forum. They continue to lobby for their involvement in the peoples' IDP, and they are instrumental in establishing local development projects such as, for example, the Ntsundu and Sukude co-operatives and the Zenzele vegetables gardens. In so doing, women activists are enabling women's rights which, in turn, will help shape the future for themselves in Cala.

### 5.2.2. The South African legislation

***Does Cala have women in traditional positions? If it does, what are their roles, and how much power do they have?***

The current traditional council is dominated by men, which illustrates an ongoing concern (from a gender-inclusive standpoint) that traditional councils tend, more often than not, to be represented by men alone who, in turn, are entrusted with spatial planning oversights and other decision-making powers.

***How many headwomen exist in Cala?***

Currently, Cala does not have any headwomen. However, there are subhead women who are democratically elected by residents.

***How do women navigate customary traditions when putting forward their views, ideas and aspirations?***

As the research findings show, it is still difficult for women to voice their ideas, views and aspirations in more traditional forums. Nevertheless, it is important to note that when women address their concerns as a collective, their voices are heard and accepted. Furthermore, the research findings demonstrate that at least one woman has acquired a formal leadership position via her election as a sub-head woman.

***How do women access land?***

To access land, one has to identify the land and then one has to apply for it through the sub-headman. This application is tabled in a meeting with elders and other residents of the area where the land is located. If there are no objections to the application, it then goes to the headman for approval. The headman, in turn, will send the request to the Provincial Department of Agriculture which will 'officiate' it (but it is important to note that no official title deed is registered for the parcel of land in the Deeds Office. Residents' tenure security thus remains tenuous even if their de facto rights are acknowledged in the Constitution). In theory, both men and women follow the same process to access land on communal landholdings. However, my research findings demonstrate that some women still seek support from their uncles (or brothers) to represent them in land 'acquisition' processes (see chapter 4). Let us now turn to the additional research findings pertaining to communal land.

5.2.3. Communal Land

***What is the role of women in communal land administration?***

Women still play a very minimal role with regards to communal land administration, and as confirmed by my research findings, these roles, if they exist, tend to be confined to secretarial functions at best. This shows that gender roles are still undermining women's capabilities and decision-making powers.

***Who is responsible for development on communal landholdings?***

According to the Traditional Leadership and Governance Framework Act (RSA, 2003) and the Traditional and Khoi-San Leadership Act (RSA, 2019), the traditional leadership (namely chiefs, headman, sub-headman) have control over communal lands and are responsible for development on communal landholdings. However, and in accordance the Spatial Planning and Land Use Management Act (RSA, 2013) and the Municipal Systems Act (RSA, 2000), the local municipality is also responsible for development and planning on any parcel of land in South Africa. A lack of clarity in the legislation regarding who, precisely, is responsible for development and planning on communal land is creating, as previously mentioned, confusion and conflicts between traditional leaders, ward councillors and municipal officials, while simultaneously hindering municipal service delivery on communal land.

### ***What are the decision-making powers of women living on communal land?***

The role of women in decision-making is still very gloomy. Women have no decision-making roles because they are not involved in communal lands management and administration positions. Women are still ignored in these decision-making processes both at the household and community levels. Nevertheless, the research findings demonstrate that women are taking a stand as decision makers in socio-economic activities for their families through agriculture (as evidenced via the Ntsundu and Sukude co-operatives and the Zenzele vegetables garden examples).

#### 5.2.4 Lessons from Kenya and Tanzania

##### ***Is tenure security an issue in Cala? If so, how and why?***

Some progress has been made in terms of women's tenure security on communal land. As explained under section 5.2.2, women can access land, although some research participants still rely on their male relatives to assist them in doing so, while strict restrictions remain in place regarding women who do not have children. To be clear, women who do not have children are restricted from acquiring land tenure security in terms of traditional customs and laws.

##### ***How are consultation and public participation processes facilitated in Cala?***

Headmen use Imbizos (namely, public meetings) to talk to their communities and to promote consultation and public participation processes. In these meetings, the issue at hand is discussed and a decision is made. Thus, an 'open floor' for participants to table their views is enabled. Yet, as discussed

under section 5.2.2, it remains difficult for women to voice their ideas, views and aspirations in these Imbizos.

### ***Who has control over land administration and local planning processes in Cala?***

As presented under section 5.2.3, both traditional leaders and the local municipality supposedly have control over land administration and local planning processes in Cala. Furthermore, since the Provincial Department of Agriculture 'officials' over residents' access to land in Cala (see 5.2.2), it too has a land administration responsibility, thereby adding yet another layer of bureaucracy, confusion and uncertainty with regards to who, precisely, has control over land administration and local planning processes in Cala. As a result of this confusion and uncertainty, no consensus or definitive answer was established amongst any of the research participants interviewed regarding this subsidiary research question.

### **5.3. Recommendations**

The following policy recommendations are directed at municipalities, national and provincial government, the House of Traditional Leaders, the private sector, political organisations, civic forums and NGOs. Recommendations are based on suggestions derived from the literature reviewed (see chapter 2) and research findings (see chapter 4). Recommendations overlap across the four themes discussed in 5.2.

For the traditional council to meet the two thirds woman representative quota as stipulated in the Traditional Leadership Acts (of 2003 and 2019), some provision on the traditional house budget for salaries of council members (who are not headmen or chiefs) should be made. This provision will assist traditional councils in involving and retaining women as members.

Also, there is a need to campaign for women to be elected as headwomen to guarantee their involvement in traditional councils. In this case, they will already be getting salaries as headmen. This can only be achieved if men themselves understand and respect the capabilities of woman in leadership positions. It is recommended that such campaigns be driven and supported by both the public and civil society sectors. Furthermore, education plays an important role in educating men about gender equality. Political organisations that promote gender equality, can teach its members about

the shift of focus from apartheid to gender equity. Similarly, such education campaigns should be driven and supported by the public sector across all three spheres of government (local, provincial and national). Arguably, education on gender equality should also be included in primary and secondary school curricula.

Women should be equipped and conscientized to gain confidence in themselves in decision making when they are serving in decision-making committees. There should be policy changes against gender stereotypes associated with gender roles. This can be introduced from an early age through different platforms such as schools and political and social movements. Changing people's behaviours and attitudes will help in understanding gender inequalities.

The current siloed nature of institutions results in the slow, if not negligible, delivery of municipal services and development opportunities on communal land in South Africa. Therefore, government needs to forge open communication channels between local municipalities, traditional leaders and ward councillors, as well as between local municipalities, traditional leaders and provincial government. It is advisable too that the national government revisits and revises its Acts and policies governing communal land. There is a need to rethink the role of ward councillors in communal lands, and this rethinking might begin by asking the question: Is there a need for ward councillors in South Africa's rural contexts? South Africa cannot use a blanket, uniform (or a one-size-fits-all) approach in servicing its many and diverse communities, because communal land management is different from urban and commercial farmland management. If headmen are democratically elected and continue to uphold democratic principles in the execution of their duties, they should be entrusted with facilitating municipal service delivery and other functions ascribed to ward councillors in the Spatial Planning and Land Use Management Act (RSA, 2013) and in the Municipal Systems Act (RSA, 2000).

It is also recommended that the Spatial Planning and Land Use Management Act (RSA, 2013), the Traditional Leadership Acts (of 2003 and 2019), and the Municipal Systems Act (RSA, 2000) provide indisputable clarity regarding traditional leaders' land administration and development responsibilities vis-a-vis the responsibilities of municipal officials (and/or ward councillors if they are, in fact, deemed to perform useful tasks), and that local municipalities develop strategies to incorporate traditional leaders in their structures

(including in their Planning Tribunals) for the purpose of enabling collaborative planning outcomes.

Furthermore, it is strongly recommended that municipal planners working in South Africa's rural regions need to have a responsibility towards rural areas and not only towards urban areas. Rural areas should be included in the Sakhisizwe Local Municipality's updated SDF, which, in turn, should identify initiatives for local economic development by ensuring that such initiatives are captured in the municipality's budget via its IDP. Planning in rural contexts necessitates different approaches, funding mechanisms and knowledge(s) than the approaches adopted for urban planning. Different approaches and knowledge(s) should include deeper understandings of agricultural practices, as well as more nuanced understandings for subsistence farming mechanisms. Such policy recommendations further suggest that planning education in South Africa needs to train future planners to work in rural contexts and not only in urban contexts.

Local economic development (LED) can use its mandate to help women in enhancing local economic growth. This can be done to facilitate and expand (or implement in other areas beyond Cala) initiatives like the Ntsundu and Sukude co-operatives, and the Zenzele vegetables gardens through the LED funding. The LEDs through its development forums can help women in Cala in gaining access to information that may equip them economically. Local, provincial and national government, as well as the private sector, could be tasked and rewarded (via tax incentives in the case of the private sector, or via the meeting of key performance criteria in the case of government officials' annual reviews) to help local initiatives with funding and education. They need to support and strengthen local stakeholders and civil societies—including, for example, CALUSA, the Sakhisizwe Civil Society Structures Forum and the Siyazakha Land and Development Forum—which are arguably the backbone of community development initiatives and women's empowerment in South Africa's rural regions.

I also reviewed the literature on women's communal lands rights in Kenya and Tanzania. There is a number of similarities with the South African. From all these countries including South Africa, their Land Laws and Bills doesn't protect women from traditional ways of dealing with women's inheritance. This issue is still left to customary traditions. Although Kenya CLA allows widows to inherit their spouse's land, she (the widow) loses inheritance if she remarries.

A Land Policy that incorporates all the issues surrounding women tenure needs some rethinking.

#### 5.3.4. The extent to which this dissertation achieves its purpose

The aim of my research was to explore how, and to what extent, women are involved in the spatial planning and development of rural settlements that are under the custodianship of traditional leaders in Cala, Sakhisizwe Municipality; and to critically assess the impact of their involvement on local planning and development.

This dissertation has managed to meet its aims. It has shown that as much as the Constitution or the Republic of South Africa is vocal about gender equality, women living on communal lands still struggle to be on par with their male counterparts. Traditional customs are still prevalent, and change is very slow. Gender stereotypes are culturally centred, and they fuel gender inequalities.

With this study we can learn that women's initiatives such as agriculture and their lobbying for a peoples' IDP can help shape the economic sustainability of communities. We can also see the indispensability of collective action to foster self-empowerment and radical transformation. Finally, by means of this study, we have seen the need to review policies and legislation on managing communal land and structures of governance.

#### 5.4. Limitations to the study

Many more people, including chiefs, could have been involved in this study for the purpose of establishing more nuanced research findings. However, the COVID 19 pandemic was a limiting factor. It made it impossible to reach people for lengthy and multiple face-to-face interviews. Some of those who availed themselves for interviews, allocated limited time for the interview process. For some, using technology was difficult due to limited resources in rural areas. Nevertheless, I remain grateful to all the participants from whom I was able to learn.

## 5.5. Conclusion

Chapter 1 presented the problem under study. The chapter provided an overview of communal lands and explored issues of communal land governance and the history of women in these areas.

Chapter 2 reviewed and analysed literature relevant to the case study area. Based on the literature review, the subsidiary research questions for this study were established. The framework for Sakhisizwe municipality planning, its principles and the involvement or lack thereof of women in planning was discussed. The review drew from several disciplines, including history, political studies, sociology, rural planning and governance.

Chapter 3 discussed the research methods and techniques used to collect data. Limitations to the methods and techniques were also discussed. This chapter ended with a discussion on how the data collected would be analysed, and how an ethical approach to this research would be fulfilled.

Chapter 4 presented my research findings and analysed the data using the assessment criteria established in chapter 2. Findings showed the resistance to change and the slow progress of women's liberation from old regimes and customs due to the rigidity of traditional leaders. The research findings also demonstrated how the legislation creates confusion and unclear roles when it comes to rural development in South Africa, before presenting findings that demonstrated the indispensable role of women's collective actions and self-empowerment.

Chapter 5 provided answers to the main and subsidiary research questions. In so doing, the research findings were synthesised. The chapter then went on to present a few policy and other planning recommendations on how the problems identified in the study might be resolved. Some of the recommendations were developed from the 'solutions' suggested by the literature. Other recommendations were drawn from the research findings.

***“Nobody can teach me who I am. You can describe parts of me, but who I am - and what I need - is something I have to find out myself”. Chinua Achebe***

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## Information Sheet and Consent Form for research participants

An investigation into the role of women in the spatial planning and development of their settlements that are under the custodianship of traditional leaders, as well as the impact of their involvement on local planning and development: A case of Cala in Sakhisizwe Municipality, Eastern Cape

My name is Noziphiwo Sigwela and I am conducting research towards a master's degree in city and Regional Planning, at the University of Cape Town. I am researching the extent of women's involvement in the planning and development of settlements under traditional authorities in Sakhisizwe Sakhisizwe Municipality, as well as the impact of their involvement on local planning and development.

The two-fold aim of my research is to explore how, and to what extent, women are involved in the spatial planning and development of rural settlements that are under the custodianship of traditional leaders in Sakhisizwe Municipality; Eastern Cape; and to critically assess the impact of their involvement on local planning and development.

I am eager to understand how planning and development of Cala communal areas, was and still done. How rural women negotiate spaces with challenges of patriarchy and customary laws prevalent in society.

I would therefore like to interview people who can contribute to my understanding of the issue under investigation that includes chiefs, Izibonda , iibhodi, women's organisations , Scholars and older people in the community, town planner and some municipality officials .

Please understand that your participation is voluntary. If you choose not to participate, there will be no negative consequence. I would be grateful however, if you would assist me by allowing me to interview you.

If you are willing to participate, we could discuss the most suitable and appropriate place to meet for an open-ended interview, preferably face-to-face. I will need your consent, signed at the end of this form, to record the interview and use the information to analyse and produce findings. There are no direct benefits, such as monetary compensation, to research participants. I hope to make participation meaningful by publicising Cala and promote this research in an effort to influence change in gender based planning and development policies . A copy of the final dissertation can be organised if requested.

I am aware that the topics explored in the interview may be sensitive for some participants and I ask participants to consider this risk participating in interviews can cause. Please feel free to let me know if you do not wish to continue with the interview or would like to move to a different question at any point.

I would like to record the interview, use your name, designation, and possibly direct quotes in my dissertation as a source of information. If a participant prefers to remain anonymous, I will respect this consent form and ensure that the participant's right to anonymity is protected. Please indicate (✓) yes or no below to give or withhold your permission for me to do this.

Yes I give permission for you to record the interview/ use my name/ designation/ words in your dissertation (please underline if you have a preference).

No I do not give permission for you to record the interview/ use my name/ designation/ words in your dissertation (please underline if you have a preference).

Name of participant .....

Date .....

Signature of participant .....

A copy of this form can be made available if requested.

## Appendix 2

Application for Approval of Ethics in Research (EiR) Projects  
Faculty of Engineering and the Built Environment, University of Cape Town

### ETHICS APPLICATION FORM




**Please Note:**

Any person planning to undertake research in the Faculty of Engineering and the Built Environment (EBE) at the University of Cape Town is required to complete this form before collecting or analysing data. The objective of submitting this application prior to embarking on research is to ensure that the highest ethical standards in research, conducted under the auspices of the EBE Faculty, are met. Please ensure that you have read, and understood the **EBE Ethics in Research Handbook** (available from the UCT EBE, Research Ethics website) prior to completing this application form: <http://www.ebe.uct.ac.za/ebe/research/ethics1>

APPLICANT'S DETAILS		
Name of principal researcher, student or external applicant	Noziphiwo Margaret Sigwela	
Department	Architecture Planning and Geomatics	
Preferred email address of applicant:	Noziphiwo.sigwela@uct.ac.za	
If Student	Your Degree: e.g., MSc, PhD, etc.	Masters of City and Regional Planning Degree
	Credit Value of Research: e.g., 60/120/180/360 etc.	120
	Name of Supervisor (if supervised):	A/Prof. Tanja Winkler
If this is a research contract, indicate the source of funding/sponsorship	n/a	
Project Title	An investigation into the role of women in the spatial planning and development of their settlements that are under the custodianship of traditional leaders. A case of Cala in Sakhisizwe Municipality, Eastern Cape.	

**I hereby undertake to carry out my research in such a way that:**

- there is no apparent legal objection to the nature or the method of research; and
- the research will not compromise staff or students or the other responsibilities of the University;
- the stated objective will be achieved, and the findings will have a high degree of validity;
- limitations and alternative interpretations will be considered;
- the findings could be subject to peer review and publicly available; and
- I will comply with the conventions of copyright and avoid any practice that would constitute plagiarism.

APPLICATION BY	Full name	Signature	Date
Principal Researcher/ Student/External applicant	Noziphiwo Margaret Sigwela		30 March 2020
SUPPORTED BY	Full name	Signature	Date
Supervisor (where applicable)	Tanja Winkler		30 March 2020
APPROVED BY	Full name	Signature	Date
HOD (or delegated nominee) Final authority for all applicants who have answered NO to all questions in Section 1; and for all Undergraduate research (Including Honours).			
Chair: Faculty EIR Committee For applicants other than undergraduate students who have answered YES to any of the questions in Section 1.	R Behrens		19 May 2020

