

MAY 2021



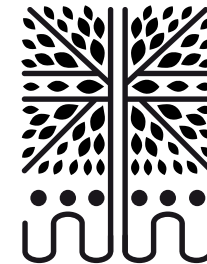
# “A Woman Is A Strong Person”: The Lived Experiences Of Rural Women Activists

By Ayesha Motala  
& Nokwanda Sihlali



# “A WOMAN IS A STRONG PERSON”: THE LIVED EXPERIENCES OF RURAL WOMEN ACTIVISTS

By Ayesha Motala & Nokwanda Sihlali



Published by: **Land and Accountability Research Centre (LARC)**  
in cooperation with the **Heinrich Böll Stiftung Cape Town.**

*The Land and Accountability Research Centre (LARC) is based in the University of Cape Town’s Faculty of Law. LARC forms part of a collaborative network, constituted as the Alliance for Rural Democracy, which provides strategic support to struggles for the recognition and protection of rights and living customary law in the former homeland areas of South Africa. LARC is particularly interested by the ways in which laws and policies frame power relations within these areas and threaten ongoing initiatives for democratic change and accountability at the local level.*

# “A WOMAN IS A STRONG PERSON”: THE LIVED EXPERIENCES OF RURAL WOMEN ACTIVISTS

© AYESHA MOTALA AND NOKWANDA SIHLALI 2021

ISBN 978-0-620-94584-4

## Published by:

Land and Accountability Research Centre (LARC)  
in cooperation with the Heinrich Böll Stiftung Cape Town.

*The information contained in this publication may be reproduced and distributed for non-commercial purposes only, provided that the source is attributed and acknowledged, and may not be adapted or altered.*



CC BY-NC ND 4.0

## Enquiries to:

Land and Accountability Research Centre (LARC)  
Levels 3 and 4, All Africa House  
Middle Campus, University of Cape Town,  
Rondebosch, 7701

Tel: +27 21 650 3288

Fax: +27 21 650 1596

Email: [pbl-larc@uct.ac.za](mailto:pbl-larc@uct.ac.za)

## ACKNOWLEDGEMENTS

We thank the Heinrich Böll Stiftung for funding this project.  
Without their support, this publication would not have been possible.

We express our gratitude to the four female activists for participating and allowing us to publish their stories. We hope their courage inspires others.



# CONTENTS

1. Introduction .....	8
2. Grace Maledu .....	10
3. Kedinametse Gladys Maluleke .....	14
4. Francina Nkosi .....	18
5. Lerato Ntombela .....	22
6. List of organisations .....	26



## INTRODUCTION

The long and hard road towards the recognition of land rights for black South African citizens living in rural spaces has been burdened by our country's historical framework. Colonial and apartheid laws suppressed the human and property rights of millions of black citizens, confining them to 13% of the country and laying down fundamentally skewed regulation of their rights. Despite the transition to democracy, rural citizens continue to experience land dispossession at an astounding rate. Rural women in particular have watched mining, development initiatives and the slow pace of land reform weaken their customary and Constitutional rights to land. This erosion has been exacerbated by new laws being passed by Parliament that threaten rural democracy and continue to disempower at least 18 million people.

One such law, the **Traditional and Khoi-San Leadership Act, 2019** (TKLA), will come into operation on 1 April 2021. It will replace the 2003 Traditional Leadership and Governance Framework Act, and it will yet again entrench the geographical jurisdictions associated with the traditional structures that were set up during colonial and apartheid rule. The Act will give immense powers to traditional leaders and councils; in particular it will empower traditional councils to enter into partnerships and agreements with third parties without the consent of those who will be directly affected.

Another law that Parliament is currently considering is the **Traditional Courts Bill, 2017** (TCB). For a period, it seemed that marked improvements to this version of the Bill would make their way into law, but Parliament's recent changes to the Bill effectively reintroduce the unconstitutional elements that were rejected by rural citizens in 2008 and 2012. Rural people who fall under the jurisdiction of a traditional court will be forced to appear before the traditional court without the option of approaching another legal forum such as Magistrates' Courts. The Bill was passed by the National Council of Provinces on 2 December 2020 and is close to finalisation. It is now expected to be passed by the National Assembly without much contention.

The efforts of civil society and rural women were crucial to the withdrawal of the 2008 and 2012 versions of the TCB. Rural women vehemently opposed the law as it did not protect them from discrimination in traditional courts, and they highlighted the struggles they faced in such spaces.

**The Upgrading of Land Tenure Rights Bill** (ULTRA Bill) was introduced in Parliament in 2018 after a Constitutional Court and High Court case deemed parts of the existing Act unconstitutional. The old Act violated women's rights and excluded the former Transkei, Bophuthatswana, Venda and Ciskei areas as a result of past apartheid laws. Sections 19 and 20 of the new Bill threaten the rights of vulnerable communities. By allowing transfer of land to a tribe, the Bill replicates

the issues highlighted in *Rahube* in that it allows the use of title to vest exclusive ownership in one owner. This is very different from customary systems of tenure that are inclusive and allow for multiple, overlapping rights to co-exist at the same time. By transferring title at the level of 'tribe', the Bill reinforces a highly restrictive and unequal system of decision making.

For women in rural South Africa, legal interventions have the potential to assist in holding open spaces in which women's voices can be heard and their rights protected. Unfortunately, this has not been the experience of many rural women, including the women featured here. In fact, the network of laws described above threatens to dissolve spaces in which women like Francina, Kedinametse, Lerato and Mme Grace can assert their rights and craft bottom-up solutions to the challenges they face. Laws like the TKLA and the TCB will make it more difficult for Mme Grace and her community to insist on adequate compensation for the land they will lose to mining as it centralises powers in the person of the traditional leader. Kedinametse and others in the Communal Property Association will have to contend with the ULTRA Bill which could add a layer of complexity if titles are issued in the name of the 'tribe'.

Context sensitive, nuanced understandings of how best to secure women's land rights offer a chance to develop more creative legal interventions. Such interventions should depart fundamentally from the colonial and apartheid shadow. They have the potential to make the democratic transition real for many black women in rural South Africa. It is unfortunate that the government is not crafting such creative legal interventions.

Time and again, women have been at the forefront of the South African struggle. Fighting for Constitutional rights, raising awareness about gender-based violence, and advocating for socio-economic equality, women have proven to be an unstoppable force. This booklet illustrates how four rural women activists persistently contest inequality and protect their land rights.

---

*A certificate of approval from the University of Cape Town's Research Ethics Committee in the Faculty of Law was obtained on 22 November 2019 for purposes of this publication. Consent was sought and granted by the participants to share their stories, experiences and photographs.*



## GRACE MALEDU

In August 2018, the Constitutional Court handed down a landmark judgment that confirmed the right of the Lesethleng Community to be consulted on developments on their land, and to be compensated for losses incurred as a result of development. The 15-year journey to the Constitutional Court was not an easy one. Mme Grace Maledu, for whom the case is named as the main applicant, explains that even after this ground-breaking victory, there has been no progress in resolving the community's relocation or compensation issues.



Grace Maledu (front row, second from the right) at the Constitutional Court. (Photo: Thandeka Chauke)

*"We are having problems with Itereleng Bakgatla Minerals (IBM). They want to mine, but they have not provided us with [alternative] land. They want us to move [from] where we are so that they can collect the money from [mining our] land so that they can buy the land for us. That is where the problem lies. They want us to move 'temporarily' and they say after[wards] they will buy us [the] land. We do not want temporary relocation because you are not going to mine temporarily. They want to move us without thinking about compensation. How can we [have] the relocation discussion [without] speaking about compensation?"*

Mme Grace and her fellow activists thought that the 2018 judgment would resolve matters. After all, the Court said that the consultation and agreement process set out in Section 54 of the Mineral and Petroleum Resources Development Act must be concluded BEFORE mining can commence or continue. If a rights holder is suffering loss as a result of mining operations, a process of dispute resolution that determines compensation must be concluded. Compensation can be determined either through negotiations and therefore by agreement; or if agreement can't be reached agreement by an arbitrator; or a court. At the core of the crisis is that ill-informed government officials believe that the land



Grace Maledu speaks against the Bantustan Bills. (Photo: <https://www.youtube.com/watch?v=OLEqpE8JodY>)

belongs to the current Kgosi Nyalala Pilane – a situation that has arisen because of South Africa's racially distorted past. Wilgespruit farm was bought in undivided shares in 1916 by 13 families. However, the "Six Native Rule" of the time required that where more than six Black people sought to buy land they had to do so in affiliation with a wider traditional community, even though the 13 had bought the land with their own funds and had paid for it fully by 1919. As a result of the prevailing law, it was affiliated with the Bakgatla community. Now, any decision that is made relating to this land is concluded with the wider Bakgatla traditional community instead of with the current 36 farmers who live on and own the land. Mme Grace's father was 6 years old when the farm was bought and she herself was born there in 1947. But their land rights have been denied by Nyalala Pilane. She explains:



Grace Maledu (Photo: Nokwanda Sihlali)

*"After Nyalala was installed, problems started. The first Premier of the North West did nothing and those that followed did nothing. In 2008/9 Pilane gave some cows meant for farmers to Zuma."*

Mme Grace is a passionate farmer. "I built my own house, from maize that I ploughed and sold to buy material for my house. I built it by myself. Out of that land." But her passion for the land is about more than just its economic or financial value. It is about justice and rights. And she is determined to fight the mine's efforts to continue with mining while disregarding the Court's ruling.

Mme Grace says she was pushed into activism by witnessing misuse of power and abuse of privilege without consequence. As a widow in her 30s with five children, and with the support of her siblings, she became a champion of the land issues facing her community. Above all, she places God at the centre of her bravery. She says, "Just take your Bible and read it and it will remind you that even if you face the problem, if you are strong enough, you will win it and at the end God will help you. Don't be afraid to ask difficult questions."

Mme Grace remembers facing her fear when she was one of 17 people arrested in June 2008 at the tribal court offices. Then, she says, she found courage through her community who supported the fight against the mining taking place on their land without their consent – and through her faith. "Whenever I was scared, I would read the Bible. I have never been scared. Even today I'm not scared because

**WHAT THEY ARE DOING IS NOT NICE FOR US, THEY JUST WANT TO DO FORCED REMOVALS.**

*I'm telling the honest truth. Some community members are scared, and they say they will die. I keep reminding them that we are all going to die. Some people are against me because I am speaking about getting our forefather's land. We want food from that land."*

Her community has received support from organisations such as Lawyers for Human Rights and Professor Mike Solomon; and some anonymous donors have paid for lawyers' fees. However, she says, even with so much support, going into this type of work is not easy. As a woman, you cannot give in to fear, she says.

*"Don't be afraid as a woman. A woman is a strong person. If you can give birth to 12 children and endure the pain, you can endure pain for the rest of your life. You must stand for the word woman because W is for work; O is for organize; M is for manage; E is for educator; N is for nation builder. You must support yourself. You are everything so don't be scared and know that God provides."*

## **THE DANGERS OF THE UPGRADING OF LAND TENURE RIGHTS BILL ON COMMUNAL LAND**

*The Upgrading of Land Tenure Rights Act 112 of 1991 ("ULTRA") came into effect before the Constitution was adopted and it uses a problematic understanding of communal land ownership which differs from that in section 25(6 & 9) of the Constitution. ULTRA provides for certain land rights, including the transfer of communal land to traditional communities, but ignores the complexity of customary tenure systems. It is based on a faulty belief that these systems of collective land ownership are devoid of individual interest. The reality is that communal tenure systems are layered with different people or groups holding varying degrees of rights and interests over land and resources. An amendment Bill that was passed by Parliament on 1 December 2020 expands the application of sections 25(A), 19 and 20 of ULTRA. Concern has been raised that the new Bill allows the transfer of land to the "legal entity" representing a traditional community (i.e. a traditional council) that is effectively a return to the provisions of the old Act which used to permit transfer of land to a "tribe".*

*The Bill does not make explicit provisions for recognising or protecting individual, family, group, or community rights – rights that are recognised and protected by the Constitution, customary law, and the Interim Protection of Informal Land Rights Act. No provision is made for recourse for anyone who holds property rights on land that is to be transferred to a 'tribe,' should they be aggrieved by any decisions in this regard. The Constitution, IPILRA, and customary law apply to the land that these provisions of ULTRA purport to regulate. IPILRA states that no person can be deprived of any informal right to land without his or her consent obtained in terms of applicable laws and customs. At a minimum, IPILRA requires that a decision to deprive persons of their land rights should be taken by a majority of the rights holders in a specifically convened meeting with sufficient notice and a reasonable opportunity to participate. It is also unclear what the relationship between ULTRA and IPILRA will look like in practice. As it stands, sections 19 and 20 of ULTRA undermine the fulfillment of section 25(6) of the Constitution and any comprehensive tenure reform framework that the state may attempt to adopt.*



## KEDINAMETSE GLADYS MALULEKE

Farming runs in the blood of Kedinametse Gladys Maluleke. Her forefathers were cattle farmers, and Kedinametse's father used to farm on communal land. He taught her how to farm and she adopted his devotion. Now she raises livestock, including cattle, goats, and sheep on her farmland. She also grows vegetables in her backyard at her home in Kuruman, in the Northern Cape. "I ... milk the cow. In the garden, I [dug] the soil on my own. Now I have a small garden in my backyard."

More than this, 48-year-old Kedinametse is also a mother, government worker and psychology student. The enthusiastic land activist and a member of the Alliance for Rural Democracy juggles her responsibilities by following her mother's example of working hard – she studies and completes assignments during her evenings and manages to still find time to farm on a Sunday.

*"There is a lot of work I have to do. People ask what my direction is; I say my direction is the issue of the land."*



Kedinametse receiving a cheque after being named First Runner Up as Female Farmer of the Year 2004. (Photo: Kedinametse Maluleke)

Kedinametse has been active in the land sector for the past eighteen years. "I was really vibrant on the issue. I even entered a competition for a government community leader award. I won two awards." It is a testament to her passion and drive that in 2004 she was named first runner-up in the Female Farmer of the Year awards, and in 2005 she was named provincial Female Farmer of the Year – both accolades from the Northern Cape Department of Agriculture and Land Reform.

In the Kuruman area, the community living on Sedual farm has been trying to resolve errors in a restitution land claim that was lodged in 1998 with the Commission on Restitution of Land Rights by the Batlhaping Ba Ga Phetlhu Communal Property Association (CPA) – which Kedinametse currently serves as treasurer. The CPA's claim was successful, and the title deeds and registration certificate were handed over to the CPA in 2015.

However, the list of beneficiaries for the land claim incorrectly referred to another group. Despite raising the matter repeatedly, this error has not been rectified. Kedinametse says the problem arose because a member of the royal family contended that a group from

**“I WAS REALLY VIBRANT ON THE ISSUE. I EVEN ENTERED A COMPETITION FOR A GOVERNMENT COMMUNITY LEADER AWARD. I WON TWO AWARDS.”**

a different jurisdiction were the beneficiaries of the claim. This member of the royal family held the chieftainship on behalf of the paramount chief for many years – and the two leaders are not on good terms. The community's land rights have been affected as a result, says Kedinametse.

*"Once we received the land, then the issues came from the concerned group. They are not staying with us here, they are staying with another tribe, from another tribal office. They are not of this one."*

The "concerned group" moved onto portions of the 12 466-hectare farm and began disrupting the ownership rights of the community. Kedinametse's portion of the farm is 324 hectares. Members of the outsider group entered her farm, damaging her gate and lock and cutting the fence marking the farm perimeter. Generators and tools left on a neighbouring farm by a previous farmer were stolen. Despite approaching the police for assistance, no help was provided.

Attempts to have government intervene have also proved futile. The beneficiary list was due to be rectified by the provincial Department of Agriculture and Land Reform in 2016, but the "concerned group" interrupted the process. In 2017 a mediator was appointed to settle the dispute. According to Kedinametse, mediation failed, and the "concerned group" have remained the beneficiaries. Government was unable to assist with providing a lawyer for the community and no help came from the local government offices. "Most of our councillors around the area don't have interest in the issue of the land."

Information received from officials at the provincial Department of Agriculture and Land Reform has not been helpful in clarifying what the "concerned group's" supposed rights to the farm are. Their livestock and workers moved onto the farm for purposes of milk production, and, according to Kedinametse, the concerned group was paying the Department for the right to have them there. A Department official indicated to Kedinametse's community that the "concerned group" had grazing rights. The original community found this deeply confusing – why would the newcomers pay for these rights if they had been allocated the land, even erroneously?

*"When we asked a government official, they said those people have grazing rights. We were very confused about the issue of grazing rights. They said these people have the right to stay on that farm because of grazing."*

Even though they had returned to their own area once milk production was complete, they claimed to belong to Kedinametse's community.

Kedinametse has been directly affected by the actions of the incoming group. Her access to water on the farm has been reduced due to the installation of generators for water pumps and this limits the flow of water to her land. She does not own a



generator and has to rely on her brother's generator to pump water. This means that she has to bear the additional expense of buying petrol for the generator. She says production on the farm has decreased since

**WE WANT TO TEACH PEOPLE HOW TO PLOUGH THEIR VEGETABLES AT HOME. WE ARE ENCOURAGING OTHER WOMEN.**

2018, with farmers unable to raise crops and livestock unable to access adequate grazing areas. "There has been no profit."

From the outset, assistance from government has been hard to get. "Government didn't take care of us". Fortunately, the Association for Community and Rural Advancement (ANCRA) based in Northern Cape was able to help the community lodge the land claim, provide legal assistance, and help them understand the process involved. Mpho Tongwane, formerly of ANCRA and currently a member of Parliament, has also assisted the land claimants in Kedinametse's district.

Kedinametse says she was inspired by ANCRA and Constance Mogale, the national coordinator of the Alliance for Rural Democracy, to become an activist. Because there are not many community-based organisations in Northern Cape, Kedinametse has also been motivated to set up "Rock of Ages". The organisation, which was registered and has been operational since 2019, runs a variety of social programmes including an HIV education campaign, parenting and youth programmes, and farming initiatives.

*"We want to teach people how to plough their vegetables at home. We are encouraging other women."*

Kedinametse's message is that togetherness can create change. "I believe all of us have strength. By doing the right thing with the right people at the right time at the right place, the quality of life of women will change". She believes in asking for help from others, and she is not afraid to knock on doors to get assistance with drafting documents.

*"On my own, I couldn't be so strong. Because of the support of the family and community, I became so strong."*



Kedinametse tending to her vegetable garden. (Photos: Kedinametse Maluleke)

Kedinametse also believes learning and education are important tools for resolving issues. Studying legal documents thoroughly and getting advice on how to interpret such documents is crucial, she believes. She plans to keep thriving and serving her community –

*"For my dream: I want to have my own land where I can do a lot, then I can call it my own land, but the beneficiaries won't only be me and my family. I want the community to also benefit from what I've done."*

## THE SLOW PACE OF RESTITUTION

Restitution of land to people who suffered dispossession during apartheid is one component of government's land reform programme. In terms of the Restitution of Land Rights Act 1994, claims for restitution needed to be lodged by 31 December 1998. Sadly, thousands of the claimants who did make the cut-off date are still waiting for their claims to be processed. In 2014, an amendment to the Act was proposed that would extend the cut-off date for lodging claims. This was struck down by the Constitutional Court in 2016 because there had been insufficient public participation. However, thousands of new claims were lodged during the period that the case was in court. The Department of Rural Development and the Commission on Restitution of Land Rights was ordered not to process the new claims until the older ones had been settled. An Amendment Bill was introduced in 2017 by a member of the ANC in another attempt to extend the cut-off date. Although the Bill has now lapsed, it can be revived and Parliament may resume processing it. This will not change things for those who are still waiting. According to the 2017 High Level Panel Report on the Assessment of Key Legislation and the Acceleration of Fundamental Change, there were 19 000 unfinalised old claims that would take 35 years to finalise. New claims lodged would take 143 years to settle. The slow pace of land reform and lack of capacity to deal with restitution claims is a dire situation – one which is evident in Kedinametse's story.



## FRANCINA NKOSI

Francina Nkosi was born in Pretoria, but these days the 45-year-old farmer and land rights activist lives in Lephalale, Limpopo. Francina was raised by her grandparents and her passion for farming came from her grandfather's love of growing his own produce. Francina remembers how, as a young girl, she marveled at her grandparents' garden which overflowed with different types of fruits and vegetables – including apples, pears, grapes, spinach and tomato. *“My grandfather was in love with farming. He was from Malawi. He used to say, I don't think of buying things that I can produce. We ate everything from the ground.”* Francina's grandmother instilled lessons of love in her, which she says guided her to care for others.



Francina Nkosi.  
(Photo: Francina Nkosi)

*“My grandmother was my best friend. She knew everything about me. She was the one who told me to be loving to other people, respect people, and know that when you meet somebody in life, don't judge people because you don't know what tomorrow brings.”*

### FOR ME, IT WAS BEING A VOICE OF THOSE VOICELESS WOMAN AND ADVOCATING ABOUT WOMEN'S RIGHTS.

Growing up, Francina was a shy girl. Her childhood friends have been amazed by her transformation into a dynamic female activist. Her activism began when she moved to Lephalale in 2010 and was confronted with the reality of patriarchal power while trying to find employment. Rather than accepting that she might have to use her body to secure a job, she chose a different path: Francina decided to put her efforts into female empowerment. *“For me, it was being a voice of those voiceless woman and advocating about women's rights.”* And so Francina joined forces with three like-minded women to form the Waterberg Women's Advocacy Organisation which focuses on educating women about their human and health rights, and about their land rights.

The Lephalale community has been plagued with land struggles, with the threat of dispossession coming from mining and other development projects. There are three coal mines in Lephalale, and another three are on the cards for possible development. There are also two power stations. Most of the land in the area is owned by the Exxaro coal mine or by Eskom. According to Francina, many women used to farm there, but when the Medupi power station was built, everything changed. People were evicted from their land and farming was no longer possible. For those unable to read and write, signing away their land without understanding their Constitutional rights has left them in a devastating position. They could only watch as their family

graves were relocated without consultation with them.

Francina falls under the jurisdiction of the Seleka traditional council – which does consult with the community – but final decisions on all matters are taken by the municipality which does so without proper community input.

*“Everything is concluded at the municipality which means there is no community participation. The community is not involved.”*



Francina tending to the vegetable garden in her backyard. (Photo: Francina Nkosi)

## THE DANGERS OF SECTION 24 OF THE TRADITIONAL AND KHOI-SAN LEADERSHIP ACT

*Although the Seleka Traditional Council consults with the Lephalale community, and understands that it is important to do so, the Traditional and Khoi-San Leadership Act 3 of 2019 (TKLA) will potentially change things. The TKLA will enable the dispossession of rural land rights without community consent. The Act was signed into law by the President in November 2019 and will come into force on 1 April 2021. Section 24 of the Act empowers traditional councils to enter into agreements with third parties. The Act's requirements for community consultation are broad and do not expressly require consent from those who will be directly affected. This jeopardizes the informal land rights of millions of South Africans residing in the former bantustans. When this law commences, communities like Francina's will be at risk of being severely disempowered.*

In 2014, Francina became a coordinator for Mining Affected Communities United in Action (MACUA) and its female counterpart, Women affected by Mining United in Action (WAMUA). In 2013, she was elected as a member of the Community Forum for the Boikarabelo coal mine in Lephalale and her interest in mining-related activism grew. She volunteered to become secretary of the forum but was surprised to find that people were not particularly active. She began to share information she had gathered and raised questions about the mine – actions which

eventually led to the dissolution of the forum. But Francina did not give up.

For several years, Francina has been actively challenging the operation of Boikarabelo mine. In 2017, she was successful in blocking major new funding for the mine with the help of Action Aid Australia. Through her efforts, claims that the mine was benefiting the Fanpan community were exposed as untrue.

*"I realised when I went there the community are still living in shacks, with no electricity, no sanitation, they have nothing. They are just surviving."*

A workshop on land rights was organised and Francina gathered audio clips from community members who spoke about their livelihoods. The clips were sent to the potential funder and funding for the mine was refused for two years. Funding was later received, but it carried strict terms and conditions. It is crucial, says Francina, that the mine be held accountable for improving the lives of the Fanpan community. *"You have to start somewhere so that people can see you aren't against any development, but you want the community to benefit. Mines are generating a lot of money under the name of community, then why mustn't the community benefit from that mine?"*

This victory did not come without risk – Francina had to relocate to a safe area, but this did not deter her. *"I told myself I won't stop being an activist because of that, I will continue."*

Francina has continued to assist the Fanpan community in its battle with the mine. She has educated people about their land rights in relation to the mine's purchase of a farm that was home to thirty-eight households. The need for empowerment and education in the community was illustrated for her in the story of one man who had been given land by the farm owner. He had been on the farm for more than fifty years, but the mine was trying to get him to sign away his land. Francina got involved and helped him and his daughters to understand their land rights.

**I TOLD MYSELF I WON'T STOP BEING AN ACTIVIST BECAUSE OF THAT, I WILL CONTINUE.**



Spinach and sweet potatoes from Francina's garden. (Photo: Francina Nkosi)

Being active in the NGO and civil society sector has enabled Francina to advocate for issues close to her heart. She has been involved with and assisted by WoMin, the Land Access Movement of South Africa (LAMOSA), Fight Inequality Alliance, Oxfam, the Centre for Applied Legal Studies (CALs), and the Alternative Information and Development Centre (AIDC). She is a provincial coordinator for the Alliance for Rural Democracy (ARD) and a community monitor for the Bench Marks Foundation.

Advocacy and education are essential components of Francina's community activism. She spreads awareness about Social and Labour Plans (SLPs), the Mineral and Petroleum Resources Development Act of 2002 (MPRDA), and land and human rights. Francina emphasizes the need for communities impacted by mining and development projects to understand what proper community consultation entails and why it is necessary. She believes that attending meetings and asking questions is vital for people to understand what is happening in their community.

Francina is particularly dedicated to empowering the younger generation.

*"I have to teach others also to be the best in what I know, so that I can build a stronger new generation with my knowledge – and also leave the knowledge with them and not die with that knowledge."*

She started a study group for the youth in her area, sharing books with them to read and getting their input when drafting documents. She remembers her grandmother's lessons when she connects with the youth. *"I told myself, let me give the youth what my grandmother gave me: the teaching of respect and also knowing what you want in life."*

Francina's message to other female activists is:

*"Number 1 is respect. Number 2 is not judging people and not looking down at other people. I think if we as women can unite, and also lift each other up, we can win. Work in a group. In doing so it won't be 'I'; it is going to be 'we.'"*



## LERATO NTOMBELA

Lerato Ntombela believes she was born to be an activist. After the KwaZulu-Natal South Coast native lost her parents at a young age, she alternated living with relatives who stayed in Lamontville – where the African National Congress (ANC) had a major stronghold – and with relatives in Port Shepstone – where the Inkatha Freedom Party (IFP) had a stronghold. This gave her first-hand insight into how political tension and conflict can play out. From an early age she was passionately involved in community politics, and her progression to land activism was a natural step.

She explains,

*“I was about 14/15 years when I got involved in a youth organization in Port Shepstone. I was very involved in church and youth groups. From there I began hosting small meetings with the youth about the ANC. Around that time the police used to come and fetch us at night in our homes and ask us ‘do you know Mandela?’”*



Lerato Ntombela presenting at a workshop. (Photo: Lerato Ntombela)

At that time, the apartheid government still deemed Mandela to be a banned terrorist, and images of him were not allowed to be circulated. She says she and her friends did not know him, but “we heard about Mandela like Jesus”.

When she settled in Izingolweni, she was a pioneering force behind the establishment of the ANC youth league in her ward. To this day she remains an ANC member. Her political involvement has also influenced her children, one of whom is the secretary of the youth league in their ward. However, eventually she moved away from active party politicking. In her experience, she says, when you start speaking truth to power, people – especially politicians – do not take too kindly to it.

*“In politics I can see that there is no truth. When someone has entered and they get a position, they leave people behind when they are in their high position. They forget about the people, the grassroots people. That’s the thing that I see in my life. I know politics, I understand politics. I know the advantages and disadvantages. And then I sat down and said no, politics does not work for me, because politics takes rich people who do not suffer and makes them more [rich]. And those who are already suffering, suffer*

*more, you see. When I came to Izingolweni people were suffering. They were living like the olden days and I saw that we need to change those people. I changed them. Even if it’s not a large amount, but there are many people that I have helped get jobs and build houses and they are able to put food on the table and feed their children.”*

While many might feel nothing about exploiting the most vulnerable in society to secure their political power, Lerato says those who have no alternative but to rely on government resources need to be protected and assisted. She believes that growing up with no parents as an orphan gave her a different perspective in life, making her sensitive to the suffering of others. This is why she works so hard to ensure that her children do not have to suffer. She does all she can to ensure that they do not live the life she lived. She has always encouraged her children to take the path of education to secure employment opportunities, and she is thankful that she has been blessed with all she hoped for.

With awareness of her personal blessings, she does not want to see another struggle. More than anything, this is what has inspired her to get involved in helping other people. *“I’ve also been part of job creating opportunities where I put unemployed youths with certain shop owners, especially if they came from a disadvantaged household. I also work as facility case manager with another NGO on their HIV-centered work.”*



Lerato at the Izingolweni Clinic. (Photo: Lerato Ntombela)

When she first arrived in Gamalakhe (a location in Izingolweni) as a newly married woman, she realised that the residents there were not well informed about their rights. She and others who also saw a need created the KwaDlovinga Community Committee in 2012 to try to tackle a range of issues in their area. Soon others from surrounding communities joined, including residents from kwaHlomendlini. The scope of Lerato’s activism makes it hard to categorise the work that she does under one umbrella, but it is clear that it does sometimes come at great personal cost emotionally and financially.

*“I work on both land and gender-based violence issues, but I always feel*

alone when handling the GBV issues. I sometimes find myself using my own money for things, even going into my children's money. For example, there was an old lady that approached me who did not have an ID to access a grant. I helped her by taking her to Home Affairs to do all those things and I ended up using my own money to make it easier. I have a deep problem with my ward councillor because you know, when you work with the people sometimes, they think you want their position. So sometimes you work very hard and you get threats because they think you are looking to take their position."

**...SO SOMETIMES YOU WORK VERY HARD AND YOU GET THREATS BECAUSE THEY THINK YOU ARE LOOKING TO TAKE THEIR POSITION.**

The type of work she does is not always easy because those who do not support her efforts see Lerato as a threat. She explains that even now, in the midst of the pandemic, she has been discouraged from continuing her work by the negative responses of local officials, especially the councillor and the traditional leader. This has also filtered down to those who support her. "As you can see its lockdown right now and, in my area, they did not get any food parcels. You see there's a pick-and-choose all those things. I feel so sad for my community because they didn't get these things because of me. The leaders do want me because I'm fighting for my community, [but] then my community (KwaDlovinga) suffers."

Being at the forefront of community struggles also leads to personal struggles that emanate from the burnout of trying to help everyone. "As much as I have people that I work with, they are not brave enough like me, they are not hard workers like me. We can work together but we are not the same. I can put it like that. It feels as though I must hold everything together by myself. Convene the meeting and give them the feedback. Sometimes it seems the people around me lack initiative."

Her advice to women activists centres on remaining resilient and resourceful.

"A lot of what you do starts from close by. You arrive in the community and see an issue that needs to be attended to. You first start with what you have and then rely on government. You must remain strong even in the face of your enemies. Do good to others even when you do not get along."



Lerato with colleagues and former Minister of Land Reform and Rural Development Maite Nkoana-Mashabane. (Photo: Lerato Ntombela)

## INGONYAMA TRUST BOARD AND KZN LAND RIGHTS

The case of the Council for Advancement of the South African Constitution & Others vs. Ingonyama Trust Board & Others is testing how the Ingonyama Trust Board can legally deal with the land it holds in trust for rural citizens. At issue is 2.8 million hectares of land that is vested in the Zulu King as the sole trustee. The citizens for whom it is held mostly have unregistered and vulnerable customary ownership rights to that land. Since at least 2006, the trust has been inducing rural citizens living in trust areas to conclude onerous residential leases — effectively turning residents into tenants on land they have owned by customary right for generations. In addition to being made to sign away their rights, families that already struggle to put food on the table are required to pay rent to the trust which was meant to have been established to look after their well-being on the land.

The case has faced many disruptions since it was filed in 2018. Set down for November 2019, it was abruptly postponed after a late decision by the Judge President of the Pietermaritzburg High Court that it should be heard by a full bench and that, since the matter was of national significance, it should be televised. The matter had to be postponed again as a result of the coronavirus pandemic. Finally, the case was heard on 9 and 10 December 2020 but, much to the disappointment of many, it was not televised as TV stations instead were livestreaming the Zondo Commission at that time.

At the time of going to print, judgment in the matter was still pending.



## LIST OF ORGANISATIONS

If you would like to find out more about the work these participants do and the organisations they are involved in, please visit these websites or call:

### **Abahlali baseMjondolo**

*www.abahlali.org*

**Tel:** 031-304-6420

**Fax:** 031-304-6436

**Cell:** 083-547-0474

**Email:** abahlalibasemjondolo@telkomsa.net

### **Alliance for Rural Democracy (ARD)**

*www.facebook.com/RuralDemocracy*

**Tel:** 010-021-0572

### **Alternative Information and Development Centre (AIDC)**

*www.aidc.org.za*

**Tel:** 021-447-5770

### **Bench Marks Foundation**

*www.bench-marks.org.za*

**Tel:** 011-832-1743/2

### **Centre for Applied Legal Studies (CALS)**

*www.wits.ac.za/cals*

**Tel:** 011-717-8600

### **Land and Accountability Research Centre (LARC)**

*www.larc.uct.ac.za*

**Tel:** 021-650-3288

### **Legal Resources Centre**

*www.lrc.org.za*

**Tel:** 011-838-6601

**Fax:** 011-838-4876

### **Mining Affected Communities United in Action (MACUA) and Women affected by Mining United in Action (WAMUA)**

*www.macua.org.za*

**Tel:** 082-707-9860

### **Ndifuna Ukwazi**

*www.facebook.com/NdifunaUkwazi*

**Tel:** 021-012-5094

### **Phuhlisani**

*www.phuhlisani.com*

**Tel:** 021-685-1118

**Email:** rick@phuhlisani.co.za/

### **Rural Women's Movement**

*www.facebook.com/ruralwomensmovement*

**Email:** ruralwomensmovement@gmail.com

### **Tshintsa Amakhaya**

*www.facebook.com/tamakhaya*

**Tel:** 021-447-5096

## DEDICATION



Mam Sizani  
(Sourced from <https://www.news24.com/Tags/Topics/death>)

We would also like to dedicate this book to a phenomenal mbokodo of our sector umam Sizani Ngubane who passed away late last year. The 21 years of work that Rural Women's Movement has done has left an incredible impact on many women's lives today. We choose to celebrate her life and build on her victories to ensure that the vision of a brighter future for rural women is fulfilled.



HEINRICH BÖLL STIFTUNG  
CAPE TOWN  
South Africa | Namibia | Zimbabwe



---

Land and Accountability Research Centre (LARC)  
Levels 3 and 4, All Africa House  
Middle Campus, University of Cape Town,  
Rondebosch, 7701

Tel: +27 21 650 3288 Fax: +27 21 650 1596  
Email: [pbl-larc@uct.ac.za](mailto:pbl-larc@uct.ac.za)

