

***Thought Piece: Managed Land Settlement and Women***  
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## **1. Introduction**

The aim of this thought piece is to sketch out some of the gender issues around access to land and housing. The format in which this piece will take is to look at literature and some observations that have been made through the landfirst project. Phrases such as gender equality, gender equity and equality between women and men, along with issues of empowerment of women, election of women to political offices are now widespread in the media, governments, non governmental organisations and community based organisations.

However, despite the frequent use of these words, the meanings of 'gender' and 'women' are often not well understood. A definition of gender has to be stated for the purposes of this paper to avoid such confusion. Gender refers to social interpretations and values assigned to being a woman, a man, a boy or a girl. Gender is about social relationships (Pan American Health Organization, 2007). Since it has been indicated that gender is about social relationships we have seen it important that we should specifically explore the implications on woman of accessing land through the Managed Land Settlement approach. What challenges are women faced with compared to the men and what lessons can be learnt from this experience. This paper looks at the implications of access to land and housing specifically from a women perspective.

Land is the foundation of all human activities. It is crucial to the attainment of economic growth, poverty reduction and gender equity. Gender equity refers to the process of being fair to women and men. Relationships with and about land especially its access, resources and ownership, frequently create tensions, expectations and alienation between individuals and social structures. The goal of gender equity looks beyond equality of opportunity as it requires transformative change (GLTN 2009). This is the transformative change that we are aiming to achieve with drawing out these difficulties that woman are faced with when accessing land.

Women's right to land is a critical factor in social status, economic well-being and empowerment. Women face various constraints around the world related to access to land and property. Cultural, economic and social barriers are obstacles for women to own, inherit and use land. Nearly one third of the households in the whole world are headed by women (Budlender, 2002). They are generally much poorer than those headed by men and predominate among low-income and informal settlements. To give women right to access to land and property would not only provide an adequate shelter for all, it would also be one way of breaking the vicious circle of poverty.

The Constitution of South Africa guarantees the right to have access to housing and land. It requires the government to pass laws and take necessary steps, within its available resources, to ensure that people have access to land, housing and security of tenure in their houses. Although it is not practical to ensure that everybody gets a house or land immediately, the government has to commit itself to making this happen over time. This is called a progressive right. The land and housing laws and policies are an important step in the process of creating access to housing and land to landless and homeless people. The policies make provision for financial assistance in the form of housing subsidies and grants. To address these issues, the government has stated its commitment to:

- the return of land or other compensation to communities who were forcibly removed during the years of apartheid
- the return of land which was taken over or 'bought' by the apartheid government
- support for agricultural development in rural areas
- addressing the housing backlog in formal and informal settlements
- finding ways for the poor to access affordable housing
- building sustainable communities where the building of houses goes hand in hand with the construction of community facilities such as schools, hospitals, recreation centres and economic development.

## **2. Background**

Managed Land Settlement (MLS) is an approach to settlement development that emphasises the provision of planned secure land with basic services as a first step towards a longer-term housing and settlement upgrading process. It can be contrasted with most existing settlement development programmes that focus on the immediate provision of a complete 'full house' as part of a fully planned and serviced project.

MLS is a simple yet revolutionary concept to speed up the process of settlement development, by providing previously disenfranchised South Africans with access to well-located, affordable and secure land for residential and other development. At the core of the MLS approach is the desire to find innovative solutions to the growing discontent expressed by thousands of 'informal' settlement, backyard shack, dwellers and other landless that eke out a living on the periphery of society.

The MLS approach to land and housing development looks at how land can be provided as a first step to housing as both a reactionary response to allowing people to stay on land they have already occupied, and as a proactive response to allowing people to occupy new land in an organised manner, thereby preventing more un-recognised and un-organised informal settlements emerging.

The question of why there is a need for a women's-perspective on the right to housing has been posed and answered by several social commentators who argue that the historical legacy of discrimination against women in South Africa requires that legislation and policies around women's right to housing neither be gender-blind nor gender-neutral. In South Africa, women's, (and especially African women's) access to the urban context and her right to housing and property were traditionally vested in her relationship to a man. The strides made in providing for women's right to housing through, for example the Bill of Rights as contained in the South African Constitution and housing policy, has indeed led to 50.5% of approved housing subsidies being allocated to female-headed households (Charlton, 2004:20). Yet, remnants of past discriminatory laws and gaps in current housing policy in catering for women's specific needs in relation to housing make it difficult for most women to access and enjoy their constitutional right to access to adequate housing.

The MLS approach is divided into phases or stages. These stages are:

- ❖ **Bulk Preparation**
- ❖ **Basic Product**
- ❖ **Aided Self Help**
- ❖ **Upgrade**
- ❖ **Maintain and Improve**

## **3. Managed Land Settlement stages and implications for women**

### **3.1. Bulk preparation:** Identifying and getting land ready onto which people can settle.

The first phase of the MLS approach deals with the identification of a piece of land which can be used for the people to move onto. This process would require the assistance from a local organisation or the people that are planning to move onto the piece of land would need to have a committee that would deal with matters that may arise in the project. The main aim of this committee would be to liaise and consult with the municipality on behalf of the people and report back to the committee on discussions and progress that has been made to the community. The site would need to have feasibility studies that would need to be done to assess the suitability of the piece of land for this type of project. Once the feasibility studies have been completed and approved, the marking of the superblocs needs to be done.

- **Women and community organisations:** Most of the time these committee's are made up of men, however it has been found that in some areas this is improving. Therefore with that in mind the woman's needs and interests are neglected and are not dealt with properly because there is no representation on the committee. What is encouraged is that women would need to be part of these committee's so that their voices can be heard and they are not left out in the decision-making process. In some areas women actually attend community meetings as they often not working and looking after family at home. Women are concerned about housing and attend these meetings. With the change of things and the need to achieve gender equality women get elected to committees, but what is not clear though if this participation of women on the committee translates into women being the ones that get the tenure security. When it comes to who 'owns' the property developed it's the man. Many women have to attend meetings and look after children and have food ready for when men return. This then places a large burden on them. Men need to be encouraged to take on some of these roles (like preparing food etc).
- **Women and allocation:** Linked to the basic tenure debate in the basic product section as usually the person allocated to the land is the one who gets the right to stay on the land. People move to areas often related to where the man can get a job. This means women have to follow the man. Women's social networks are disrupted. Meaning that they now have to develop new friends and networks. The process of the allocation of plots is depended solely on the community. They will decide on how to go about with this process, with the guidance of the committee that has been elected. During the process of allocation, matters pertaining to tenure and occupation will be dealt with. This is where much gender implications can be seen. The housing policy in South Africa does not specifically discriminate against women, but certain aspects of policy as well as customs and tradition do impede women's access to secure tenure and housing. Some difficulties that women have been faced with are accessing the national housing subsidy, because one of the prerequisites for the housing subsidy is that a couple who wish to access the subsidy should either be married or co-habit. Although in these cases the house should be registered in the name of both parties, in some cases it has been found that only transfer is made in the man's name. This has the implication of resulting in the women not having tenure security and in the event of a break up they could find themselves homeless. Brown-Luthango, 2007 states a disadvantage of the housing legislation and policies in that they also do not cater to the specific needs of women in abusive relationships who find that their tenure is insecure, thus resulting in them losing the right to their house should they leave their abusive partner. Furthermore, there are no specific provisions to provide housing and security of tenure to abused women on a temporary or permanent basis. The MLS approach deals with the tenure security differently. The

community decide and draw up a tenure option that will be safe and reliable for all parties that are involved. Women do not need to have a partner in order to qualify for a site in the MLS pilot. The pilot is open to everyone and the process of tenure is agreed upon by everyone who is affected by it and who is involved in the process. Therefore tenure security is guaranteed and in an event the women finds herself in a position of being kicked out of her home, this can not be done because she is secure in terms of tenure. The occupation also follows the same rules where the community together with the committee decide on what will happen when a person moves onto their site, what is allowed and what is not allowed, who will be staying on the piece of land. Once the people move onto the sites they would need to build temporary structures which will be upgraded at a later stage.

- **Women and land identification and neighbourhood planning:** Men, who work, leaving women at home, do not appreciate the challenges women face having to deal with travel for children to school, access to health services, access to shops etc. Land is often identified in an area where these facilities and services are not available.

### **Recommendations:**

- ✓ Encourage more women in leadership positions.
- ✓ Need to address women issues in allocation as allocation leads to tenure issues.
- ✓ Neighbourhood plans need to be sensitive to the responsibilities that are placed on the women, for example the distance of schools, health facilities, shop etc.
- ✓ Encourage women to speak out on the things that would impact on them in the development.

**3.2. Basic product:** Providing a basic services, tenure and facilities so people can settle on land with dignity and security.

The MLS approach advocates that when people move onto the piece of land initially they can be provided with basic services that will be upgraded to full services at a later stage.

- **Women and plot demarcation:** In most areas plot demarcation is done by the men. The people that are to move onto the piece of land are dependent on the men to do this job. This would also be the case in MLS where the community chooses the option of demarcating the plots themselves, and then the men would be tasked to do this job. Women headed households will have to be dependent on a man to do this for them because they don't have the expertise to carry out this task.
- **Women and basic services:** These basic services would include communal toilets and communal stand pipes. These types of services that will be provided to the community have some disadvantages for women. For instances when it comes to things like security, the women will not be safe when they have to walk a distance in order to get to a toilet, especially in the night time. This type of sanitation has great implications for the women because anything could happen when they are going to the toilet. The community would need to draw up security measures that will ensure the protection of the women within the community. Access to sanitation is an important concern for women; The State of the Cities Report argues that "sanitation is a women's issue, because a disproportionate share of the labour and health burden of inadequate sanitation falls on women. For women living in slums, a long wait at the public toilet can mean that children are left unattended, or that a household chore is delayed. Unhygienic public toilets and latrines threaten the health

of women, who are prone to reproductive health infections caused by poor sanitation. In many slums 'going to the toilet' for women means squatting in a private spot or waking up before dawn to queue at public toilets (2006:20)". Similarly, the burden of not having access to water in their homes falls on women, because "women and girls are more likely than men and boys to be responsible for collecting water irrespective of the distance from the source (Gender Advocacy Programme16, 2004). This is often a time-consuming task. According to Budlender et al (2001, quoted in Gender Advocacy Programme, 2004) "those with water within 100 metres of the home spend an average of 44 minutes per day collecting water and those with water at a distance of a kilometre or more, spent an average of 71 minutes per day". Once the community has been provided with the basic services they would need to discuss with the municipality on what and how they will be paying to occupy that piece of land.

- **Women and basic tenure:** Equal property rights of women and men are fundamental to social and economic equity. However, women often face discrimination in formal, informal and customary systems of land tenure. Around the world women encounter larger barriers due to social customs or patriarchal tenure systems which prevent them from obtaining and holding rights to land. Tenure security is a great hindrance when it comes to women. They are at a risk of being kicked out of their homes if they are not well protected when it comes to tenure. The process of MLS initially speaks to having proof of occupation or recognition of occupation of the site that one leaves in. This recognition of occupation can be in a form of a certificate indicating tenure security. This proof stipulates who gets the right to occupy the land, women or both woman and man or the household. In most instances as stated it is often the man, leaving the women vulnerable to eviction and left with no resources if they maybe kicked out or move. The aim therefore of this proof of occupation may protect the women in the initial stages because her name will appear on the proof if she is married or cohabiting. The municipality can act as the custodian of these certificates and keep records of them in case anything should happen. What happens when the tenure has been upgraded to full tenure in the form of title deeds? How do we try to avoid the same things repeating where only the males name appears on the title deed and that of the women does not appear? These are some of the challenges that women find themselves faced with. With LANDfirst the tenure system is dependent on local tenure systems like wating lists and social relations to verify that the women has a right to live on the plot. Local gender power relations in the community may make it harder for woemn to defend their tenure rights. It is important for basic tenure systems to introduce gener sensitive applications. As tenure systems are deveoped locally provides opportunity for the system to be developed to provide, for example for both co-habitors of the household to obtain the rights of occupation.
- **Women and basic savings:** Women often do not have access to money. They have to rely on what men give them. Shefer 2006 shares for women, microfinance has proven to be a powerful tool for social change. Microfinance benefits women in that their status, both in the home and communities, is elevated when they are the ones responsible for managing loans and savings. This ability of women to generate and control their own income creates an environment for further empowerment of poor women. Microfinance helps women set up their own businesses and become self-sufficient, impacting significantly on the families' quality of life, especially the children. Many stokvels for example are run by women this has been noted in many low income households and community. Even my own mother was part of a stokvel in some point in my life. That legacy has now been transferred to me and my sisters.

Therefore it is an indication that it is useful to have these basic savings because they tend to assist when times of difficulty occur in a home. In some areas, an example would be in a community in Jeffery's Bay where a group of women have a savings club and they use the money strictly to make improvements to their homes and to pay for children's fees and other necessities that may be required in the house.

## Recommendations

- ✓ Need to provide security plan for the protection of the women when it comes to basic service provision.
- ✓ Need to encourage men to teach and involve the women in the demarcation of the plots.
- ✓ Make provisions for women headed households when it comes to tenure security.
- ✓ Tenure security must be flexible as to protect women who is a cohabiter or married.
- ✓ Saving service and not just loans need to be encouraged because they may help to improve wellbeing of the poor in general and of women in particular.

**3.3. Aided self help:** Households start to build their own houses using their own resources and with some form of assistance where possible.

- **Women and temporary houses/ shacks:** Women left at home have to live in small and often poorly built houses. These houses are built as temporary structures so that the family can have a roof over their head. However, these temporary houses do pose a threat to the women and children living in them. Some women get exposed to cooking smoke and draughts which lead to critical health problems. Some of these houses are prone to allowing the cold and rains during winter times thereby causing serious health problems. Since this is a temporary structure that is being built some of them have little space and lack privacy. This privacy may include there is no space for the couple to be intimate and it can cause some hygiene problems.
- **Women in self construction:** The MLS approach encourages the involvement of the community in the process of marking these superblocs. What implications will this have on female headed households, because they would need to mark their own boundaries, this becomes a difficulty because the men have experience with marking superblocs and women lack this skill therefore this would cause problems for the women. Some say women don't have the skills and strength to build houses, in some cases this is true. They would need to be dependent on their children or neighbours if the home is female headed and there is no male to do all this construction work. Women having to build their own houses. This is often seen as male activity and women however are often at home. MLS provides an opportunity to train and support women to be self builders and allowing them to gain experience and to learn how to become formal builders. Unlike in the RDP housing option where the house is provided as a finished product and the beneficiary has no input on what is done in the house or how it looks.
- **Women in gardening:** In a number of communities even in the rural areas women are seen as the gardeners and the men look after the cattle. In areas with RDP houses it is rare that one would find a community garden. With MLS the community is encouraged to have common spaces and community gardens in the area. These can be used as a form of income for the area or provision of food for those households that may be struggling financially or otherwise.

## Recommendations

- ✓ Need to encourage the building of temporary houses that are safe and big enough for the family.
- ✓ Women need to be encouraged to be part of the construction process of these temporary structures so that they can gain skill and lessen them being dependent on the men.
- ✓ Encourage the development of a community or individual gardens because they can form as part of the livelihoods of the families.

### 3.4. Upgrading

During the upgrading stage people from the Managed Land Settlement community can apply for subsidies to upgrade their homes. These subsidies can cover the infrastructure in the community, the putting in of individual toilets and taps as well as the provision for a top structure. In the upgrading phase the recognition of occupation is then upgraded into a title deed and ownership is transferred from the municipality to the individual. Again during this phase people are required to pay the full rates that are due to the municipality.

- **Women in formal construction:** The construction business is seen as a man's business. However in recent times we have seen an increase in the number of women in construction and who actually run their own businesses. There are programmes like women in construction that support women builders. Experience women gain in self build can be used to start businesses. However this option does pose a challenge for women, because in some cases they would not have someone to look after children while they are working. Programmes like after care and daycares for children need to be supported.
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- **Women in broader community development:** Often women don't have confidence to get involved in other activities. Experience gained by women in the MLS approach can be used in other areas. Look at incremental improvement of health care – incremental improvement of public open spaces, etc.

### Recommendations

- ✓ Women to be part of the construction phase of their house, so they can give input on what is being done. If the houses are being built using subsidies they can know what is being done and what is being done with the money of the subsidies. This does not only apply to the women but also the men.
- ✓ Once upgrades have been done to the houses, then the community can come together and see what else can be upgraded in the area and how they can go about doing so.

### 3.5. Maintain and improve

- **Women in maintaining property:** Maintaining the property is seen as a women's job for example cleaning the house and other responsibilities. When comes to fixing broken windows and putting in door handles that is seen as mans job. One of the aims of MLS is that it tries to change these perceptions and it is very important that we do that.
- **Women and learning from experience:** Throughout the incremental process there are opportunities to learn from the experience of the past and in the upgrading and improvement phase to rectify some of the problems of the past. Much of decisions

relating to planning for upgrading are made by men. This then comes back to the issue of women in leadership positions. Also special surveys and focus groups etc should be held with women separate to men so as to gain specific views and experiences of women. (For example, if asked women and men what improvements you think need to be made in a house, some men may emphasise a bigger lounge so they can entertain their friends and watch TV, while for a women the emphasis may be on a better kitchen to prepare food for family).

## Recommendations

- ✓ Need to encourage the exchange of learning experiences between communities.
- ✓ Need to encourage setting priorities when it comes to maintaining and improving of the houses.
- ✓ Responsibilities need to be shared between the men and the women when it comes to maintenance.

## 4. Conclusion

As it can be noted from what is documented above, there are a number of challenges that women are faced with when it comes to accessing land and housing. The MLS approach offers a mechanism which can assist communities to build their own houses and hold their destiny in their own hands when it comes to the provision of their houses. It is also important to note that some of the stages do require the involvement of men, but the women shouldn't leave it at that. Where there is an opportunity for one to learn then that must happen. The women and men in communities must stand and work together to try and achieve integrated living environments for themselves and their children.

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