

The Role of Property Rights on Rural Women's Land Use Security and Household Food Security for Improved Livelihood in Limpopo Province

Vongai G. Murugani¹, Joyce M. Thamaga-Chitja¹, Unathi Kolanisi¹ and Hussein Shimelis²

¹*African Centre for Food Security, University of KwaZulu-Natal, School of Agricultural, Earth and Environmental Science, P. Bag X01, Scottsville 3209, South Africa*

²*African Centre for Crop Improvement, University of KwaZulu-Natal, School of Agricultural, Earth and Environmental Science, P. Bag X01, Scottsville 3209, South Africa*

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ABSTRACT Small scale agriculture is a key land based activity for rural women, yet they own very little land. Rural land access is mediated by patrilineal customary law where women have mostly secondary property rights as wives. Consequently their land use security was derived from the family and other means of fostering accountability. As these have been lost with the developments in customary law, what is the source of women's land use security? Three communities in Limpopo Province were selected purposively; data was collected using a questionnaire, focus group discussions, key informant interviews and observation. Data analysis was through descriptive analyses and content analysis. The results show gendered access land access and secure access for mostly married women. In spite of their insecurities, women are motivated to farm for household consumption. A framework that recognises women as land users and rural development is essential to strengthen women's land use security.

INTRODUCTION

Securing land rights for smallholder farmers has been shown to improve production and household food security (Prosterman 2013). Women are a significant number of agricultural workers with recent FAO figures showing that 43% of agricultural workers are women (Prosterman 2013). Traditionally women have accessed land through their families as secondary beneficiaries under customary law, and this has mostly assured them of tenure security (Claassens 2013; Collins 2014; Doss et al. 2014). However, numerous instances of female farmers having their land taken by their families in the face of death and divorce abound. Recently, the leasing of agricultural land has placed smallholder farmers at risk, and having defined rights would give female farmers a voice (Collins 2014). Securing women rights' to arable land for as indi-

viduals in their own right is important joint rights may limit a woman's rights (Doss et al. 2014). In some parts of rural South Africa, local chiefs have begun allocating residential land to female household heads (Claassens 2013), and this may give women a window of opportunity to access arable land in their own right. Agricultural land is a critical resource in economies where subsistence agriculture is an important livelihood activity (Aliber and Hart 2009). Rural land ownership confers identity, power, belongingness, the means to produce food, and a way out of poverty (Hatcher et al. 2005; Cousins 2011). Most rural women are unemployed, and engage in subsistence agriculture, contributing significantly towards household food production and food security (Agarwal 2003; Kerr 2005; Altman et al. 2009; Kent and MacRae 2010; Prosterman 2013). Local institutions enforce property rights considered as socially and legally legitimate (Agarwal 2002; Mutangadura 2007). Prevailing oral or written property rights determine land use and security which are critical for efficient agricultural production (Toulmin 2008).

There are dual property rights systems in most sub-Saharan African countries including South Africa (Kevane and Gray 2008; Deininger and Castagnini 2004; Goebel 2007; Toulmin 2008; Collins 2014; Doss et al. 2014). First, statutory

Address for correspondence:

Dr. Joyce M. Thamaga-Chitja,
African Centre for Food Security,
University of KwaZulu-Natal,
School of Agricultural, Earth and
Environmental Science, P.Bag X01,
Scottsville 3209, South Africa
Telephone: +27 (0)33 260 6171
Facsimile: +27 (0) 33 260 5495
E-mail: Chitjaj@ukzn.ac.za

law vested in the constitution accords men and women equal rights to own, and participate in land transactions (Deininger and Castagnini 2004; Kevane and Gray 2008; Torkelsson and Tassew 2008). Second, customary law vested in mostly patrilineal tribal traditions and customs (Kevane and Gray 2008; Deininger and Castagnini 2004; Goebel 2007; Torkelsson and Tassew 2008; Toulmin 2008). Due to the largely rural nature of most Sub-Saharan African countries, about 90% of land is held under customary law (Goebel 2007; Toulmin 2008). Patrilineal customary property rights systems restrict most rural women to accessing resources through their male relatives, as secondary beneficiaries (Kevane and Gray 2008; Deininger and Castagnini 2004; Goebel 2007; Torkelsson and Tassew 2008; Toulmin 2008; Collins 2014). The rights of wives, sisters, and daughters, and rights security ceases when the relationship changes (Kevane and Gray 2008; Deininger and Castagnini 2004; Toulmin 2008).

Investigating land use security options for women is therefore urgent in combating food insecurity and fostering sustainable livelihoods in the context of a largely female rural population. Male outward migration, divorce, widowhood and desertion have produced a high number of female-headed households reliant on agriculture for household food security (Agarwal 2003). Women's secondary rights, render their tenure insecure when the population grows, land values appreciate, shocks, divorce or death (Yngstrom 2002). Resulting land conflicts are settled in traditional courts where men have more influence and their rights take precedence (Rangan and Gilmartin 2002; Tripp 2004) and where accessible women prefer formal courts, although their resources and lack of knowledge may hinder them (Collins 2014). Consequently, Thamaga-Chitja et al. (2010) questions the gender sensitivity of the South African government's land reform efforts. What are the land rights South African women in rural Limpopo Province's small-scale irrigation schemes operate under, and how do they influence land use security and agricultural production?

Objectives of the Study

The objectives for this study were to (1) establish the land rights of female farmers in three irrigation schemes in Limpopo Province, (2) in-

vestigate how these land rights were secured and if marital status influenced how rights were secured and (3) determine if the current security of land rights for female farmers affected agricultural production in the three irrigation schemes.

Land Property Rights for Women

Women's property rights are derived from the broader statutory or customary community resource access framework (Hatcher et al. 2005). Due to differences in the dual rights system, women of similar status resident in statutory or customary law areas of a country have different property rights (Hatcher et al. 2005; Collins 2014; Doss 2014). Tensions caused by this dichotomy were well articulated by Thamaga-Chitja et al. (2010) and are explored below.

The South African constitution states all men and women can own land as individuals in their own right, or as part of a group, according to group rules (RSA 1996). Most governments have ratified international laws and treaties around equality for women regardless of marital status (Lastarria-Cornhiel 2006). Consequently, statutory law, where land ownership is symbolised by a title deed, allows women equal rights to own and conduct land transactions (De Soto 2000; Mutangadura 2007). Title deeds and lease agreements are registered in a government system which guarantees the exclusive rights held by freehold or leasehold land owners (Mutangadura 2007). Land rights are transferrable temporarily through renting and mortgaging, or permanently with the transfer of title deeds through sale or inheritance (De Soto 2000). Thus land markets where minorities and marginalized groups including women can theoretically participate equally are formed (De Soto 2000).

The statutory land law is an ideal system but there are several disadvantages for women. First, land markets exclude most women who cannot afford to buy land, concentrating land in the hands of elite and well-connected individuals (Lastarria-Cornhiel 2006; Toulmin 2008; Doss et al. 2014). Second, statutory law applies in major urban areas, about 10% of sub-Saharan Africa, excluding rural areas under traditional leadership (Yngstrom 2002; Rose 2003; Lastarria-Cornhiel 2006). Most governments have failed to increase statutory law coverage due to capacity limitation and protection of traditional

authorities, a key power base (Lastarria-Cornhiel 2006). Third, while premised on equality, some statutory laws favour son over daughter inheritance, or give men and women different grounds for divorce (Lastarria-Cornhiel 2006). Finally, statutory laws introduced without local consultation and which lack local institutional support, weaken women's property rights because they overlook group dynamics and existing power structures (Lastarria-Cornhiel 2006; Bogale and Korf 2007). A Vietnam land titling project designed to benefit women left them as secondary beneficiaries because of uncooperative implementers and communities (Lastarria-Cornhiel 2006).

Customary law governs all facets of life for most of the rural African and Asian population (Yngstrom 2002; Jacobs 2004; Lastarria-Cornhiel 2006; Toulmin 2008; Claassens 2013). It is based on mostly patrilineal tribal traditions and values but is not static (Yngstrom 2002; Toulmin 2008), although Claassens (2013) contends that lived customary law may give women more latitude than recorded customary law. Land, a symbol of power and belonging is vested in the chief, who allocates it to citizen male household heads, and women are secondary beneficiaries (Yngstrom 2002; Rose 2003; Jacobs 2004; Lastarria-Cornhiel 2006; Toulmin 2008). Citizens have a combination of mostly undocumented individual and collective rights, men's property rights are usually access, user and control but women have access, user and influence (Bogale and Korf 2007; Boone 2007; Toulmin 2008; Doss et al. 2014). Rights recognition is through neighbour recognition, local custom validation, and efficient local institutional and processes support (Toulmin 2008). Allocations are modelled on the "unitary household model", wrongly assuming that household resources are distributed equitably, when gender, age and position differentiate access (Agarwal 2002; Kerr 2005). Household allocation is according to seniority but the household head's rights take precedence weakening women's access in the household (Yngstrom 2002; Claassens 2013). Land passes from father to son, with women accessing it as wives, daughters and sisters (Yngstrom 2002; Agarwal 2003; Hatcher et al. 2005; Joireman 2008). In addition to giving men power over women, secondary rights weaken women's status and rights security in the household (Agarwal 2003; Joireman 2008). Where women possess some

land rights or other assets it strengthens their position and gives them some bargaining power (Doss et al. 2014).

The youth also account for a large number of the rural unemployed and yet their involvement in agriculture is limited despite its potential to create employment (Thornton 2008; Uli et al. 2010; Delaney et al. 2011; Olujide and Ojo 2011). This disinterest has been observed in Africa and Asia and is attributed to their being landless; agriculture's low returns on investment compared to other jobs; the lack of recognition and possibly acknowledgement and reward for the work they do; and the perceived lack of sophistication of agricultural work (Thornton 2008; Uli et al. 2010; Delaney et al. 2011; Olujide and Ojo 2011). In South Africa, youths viewed agriculture negatively relating it to the apartheid era and the limited employment opportunities black South Africans had in the homelands (Thornton 2008).

Marriage is a major access point to household agricultural land for rural men and women, for food production (Yngstrom 2002; Jacobs 2004; Lastarria-Cornhiel 2006; Cousins 2011; Claassens 2014). Male household heads receive land from the chief or family, but wives are mostly allocated land for household food production by their husbands (Yngstrom 2002; Cousins 2011; Claassens 2013; Doss et al. 2014). Women control the fieldwork and produce, and land use security is guaranteed for the marriage duration (Yngstrom 2002; Cousins 2011; Doss et al. 2014). For instance some married women in Msinga, South Africa and Murang'a, Kenya also inherited their mother-in-law's land after working with her for years (Yngstrom 2002; Cousins 2011).

Widowhood brings insecurity for most women who face eviction, disinheritance or widow inheritance depending on local customs (Chapoto et al. 2011; Cousins 2011; Claassens 2013). Children and good relations with the marital family assured security and continued resource access in Tanzania and Swaziland (Yngstrom 2002; Rose 2003). However, older widows in KwaZulu-Natal, South Africa retained their marital land and controlled planting activity on it until their sons claimed it (Thamaga-Chitja et al. 2010). Divorced women returned to their natal homes because the marital home belongs to the marital family (Rose 2003; Lastarria-Cornhiel 2006; Cousins 2011). Alternatively, she can be allocated a new plot in the same village (Rose 2003; Cousins 2011; Claassens 2013). Single women with or without dependents are disadvantaged by gen-

der based land allocations (Cousins 2011). Most used natal land but some were successfully allocated land through a male relative's advocacy (Cousins 2011). Allocations of residential land were also observed to have increased in rural South Africa since 1994, rural women could approach the chief with a male relative in conservative communities, however, in largely liberal ones, a woman could be allocated land without a representative (Claassens 2013). Claassens (2013) adds that, while offering an opportunity for women to access land, there was still some insecurity attached to these allocations. In other communities where women had been given land, land use security increased with time, although confiscations, eviction and violent threats sometimes arose (Yngstrom 2002; Rose 2003; Kevane and Gray 2008).

While rural dwellers perceive their land laws as secure and low risk; widows, divorcees and single women face some insecurity (Toulmin 2008). When gendered land conflicts arise, male dominated traditional court rulings seldom benefit women who are generally barred from attending and speaking for themselves and if allowed to attend would find possibly themselves facing relatives (Rangan and Gilmartin 2002; Jacobs 2004; Tripp 2004; Toulmin 2008). Should they disagree with the judgement, they have limited appeal options as national statutory laws lack legitimacy in rural areas (Deininger and Castagnini 2004), and even if the legal system could help, rural women often lack knowledge and resources on how to use this platform (Collins 2014). The marital commitment of women who acquire individual property is questioned, yet the fairness and gender-equality of traditional courts is not guaranteed (Rangan and Gilmartin 2002; Tripp 2004; Chapoto et al. 2011; Collins 2014). This is significant given the absence of mechanisms and processes that hold traditional courts accountable to the people (Toulmin 2008). These insecurities that women face could negatively affect women's role in agricultural production. Agarwal (2002) noted the direct relationship between land use security and agricultural production in Indian case studies.

Security of Property for Food Security and Sustained Livelihoods

Secure land access is essential for sustainable rural livelihoods, given agriculture's sig-

nificance among rural livelihood activities (Deininger and Castagnini 2004; Xiaoyun et al. 2008; Toulmin 2008). Land access improves water access, and farmers with secure access to both are more productive than those without (Namara et al. 2010; Pellizoli 2010; Quisumbing and Pandolfelli 2010). Increased productivity is due to reduced time and money spent on conflict resolution and increased water availability (Bogale et al. 2006; Toulmin 2008). This would benefit rural women, who are mostly landless agricultural workers or weak joint owners on their male relatives' land with secondary access to water and other productive resources (Agarwal 2002; Kent and MacRae 2010; Doss et al. 2014). Rural women produce most of the food worldwide, but gendered insecurity prevents them from investing on the farms (Agarwal 2002; Kent and MacRae 2010). Women's productivity on their male relatives' land is much lower than on their own, particularly if they do not control the produce; a critical finding given the increasing number of *de facto* female-headed households (Agarwal 2002; Kent and MacRae 2010). In a study from Kenya, wa G)thnji et al. (2014) show that when crop choice is controlled for women are as productive as men. This further strengthens the argument for securing rural women's land rights.

Women view agriculture as a means to household food security, thus they cultivate food crops from homestead gardens that contribute significantly to this goal (Kerr 2005; Backeberg and Sanewe 2010; Kent and MacRae 2010). Water availability limits women's role in agriculture, in a critique of the Land Reform programme, Kepe and Tessaro (2014) notes that beneficiaries of the programme have enjoyed little success due to poor service provision. Chitja et al. (2010) identify agricultural water as one of the services which resettled farmers did not receive. Given access to irrigation water, their agricultural production could improve household food security, and produce excess to sell for profit (Backeberg and Sanewe 2010; Thamaga-Chitja et al. 2010).

MATERIAL AND METHODS

The study was conducted in three irrigation schemes in rural Limpopo Province, north of South Africa. Figure 1 shows the location of Limpopo Province in South Africa. In Limpopo Province, 60% of the land is privately owned and 25% falls under traditional governance (Limpopo



Fig. 1. The location of Limpopo Province in South Africa

po Provincial Government, 2009). Limpopo Province is South Africa's least urbanised province and has a 96% African population, most of whom derive significant amounts of their food from small-scale agriculture (Hope et al. 2004; Jacobs et al. 2009). There are high rates of outward migration from the Province to Gauteng and Western Cape Provinces due to lack of employment opportunities in the province.

Three irrigation farming communities, Mashushu, Steelpoort Drift and Rambuda, from Capricorn, Sekhukhune and Vhembe districts, respectively, were purposively selected. Figure 2 shows the location of the districts in Limpopo Province. Betterment policies in the apartheid



Fig. 2. Limpopo Province's districts

era resulted in separate household and living sections; therefore agricultural land was limited to a fixed number of hectares (Tapela 2008). Mashushu was established in 1959 and has 42 hectares under irrigation agriculture, Steelpoort in 1972 and has 94 hectares and Rambuda in 1952 and has 120 hectares.

A mixed methods research approach and purposive sampling were used to collect data and select male and female respondents from the three study areas. The mixed methods approach combines the collection and analysis of qualitative and quantitative data, facilitating a comprehensive study of the problem and comparison of the results to existing data (Ivankova et al. 2007).

With purposive sampling, the population are those who meet a list of predetermined characteristics and respondents selected from these (Teddlie and Yu 2007). In this study, the selected communities had to have a functional irrigation scheme with existing agricultural activity and active female farmer participation. Convenience sampling was used to select 50% of the households with irrigation plots in the study areas to participate in the survey. The researcher first established the total number of farming households per scheme, the researcher assistants then walked into the irrigation scheme and interviewed the farmers they met over a three day period. During this time members of at least 50% of the registered households in the scheme were interviewed. There were a 115 questionnaire respondents from the three communities. Focus group discussions were also conducted in each of the three study areas with at least 8 members, and key informant interviews were held with the chief or headman, extension officers and the committee members of the scheme.

Qualitative and quantitative data was collected simultaneously to compare the findings of the different methods and produce well-founded conclusions (Creswell 2003; Ivankova et al. 2007). Data was collected using a questionnaire, key informant interviews, focus group discussions and observation over a three week period. The data was subjected to descriptive statistical analyses using the Statistical Package for Social Scientists (SPSS) and content analysis. Content analysis is a method of analysing text data by studying language features and content in a given context and categorising the data into themes (Hsieh and Shannon 2005). Data from

the closed questions on the questionnaire was coded and the demographic, existing land property arrangements, land use security for food security and ideal property rights sections of the questionnaire were subjected to descriptive analysis (SPSS). The open ended questions from the questionnaire, the key informant interviews and focus group discussions were analysed for the occurrence of common themes. The conclusions from the separate results were compared for similarity and the researchers used both to inform the discussion and conclusions arrived at.

RESULTS AND DISCUSSION

The study sought to establish the role of property rights on women's land use security and agricultural production in rural Limpopo Province using three study sites: Mashushu (Capricorn District), Steelpoort Drift (Sekhukhune District) and Rambuda (Vhembe District) irrigation schemes.

A Description of the Sample

There were 115 respondents. 58 respondents (50.4%) were from Rambuda community in Vhembe, a Venda speaking District in Limpopo province, 35 respondents (30.4%) were from Steelpoort in Sekhukhune, a Pedi speaking district and finally 22 (19.1%) were from Mafeke in Capricorn, another Pedi speaking district.

The farmers in the study were mostly (81.7%) female and 69.6% were over the age of 50 years. The respondents were mostly married (59.1%), or widowed (27%). The other marital classes combined formed only 13.9% of the sample. Among the farmers 52% were household heads, while 40% were the spouse of the household head. The involvement of the predominantly female interviewees in agriculture reiterates its importance in rural women's livelihoods as shown by Altman et al. (2009) in their studies of former homelands and other rural areas in South Africa. Other studies by Agarwal (2003), Hatcher et al. (2005), FAO (2011) and Prosterman (2013) confirm the same. Most respondents had been married at some point showing that marriage is a key access point to land for women in these communities. Yngstrom (2002) and Cousins (2011), amongst others have found similar patterns in communities they worked. Single women therefore seem to have limited land access in

their individual capacity. However, the changes observed by Claassens (2013) imply an evolving customary law which in practise has become open to single rural women having individual land rights. She also notes that since most rural women are electing to stay single, the land ownership patterns of arable land may also take into account that female household heads need land to provide for their households (Claassens 2013).

The age of the farmers shows a lack of involvement and seeming disinterest in farming activities by younger people raising concern about the sustainability of rural farming based livelihoods and transfer of knowledge. Young people in the three communities mostly felt that agriculture was for the older generation and the work was hard with little returns. Similar findings were also highlighted in the Capricorn and Sekhukhune districts study in Limpopo Province (Maponya and Mpandeli 2012). Some preferred to stay at home and look for work in the mines in Steelpoort Drift or engage in brick-making, for instance in Rambuda. However, one wonders if these young people did not perceive themselves to have weaker rights than the household head and his spouse. If so, the profits would not come directly to them and this would be a significant disincentive to younger household members participating in agriculture.

Most (57.44%) of the households were male-headed. The household heads were mostly (80%) over 50 years old. Of the total households, 61.7% were married and 29.6% were widowed. Although there were a high number of male-headed households, there was also a largely increasing class of *de facto* female-headed households. This could be attributed to the number of widows; and the women whose husbands had migrated to other provinces for work, 56.5% of married farmers did not reside with their spouses. But some of these women had never married, given the significance of marriage in land access; these female-headed households were more likely to be secondary users of other households' lands.

The education levels of the farmers and the household heads were equally divided among the three options: no formal education, primary, and secondary education. This shows that the older generation in rural Limpopo Province did not receive many opportunities for education in apartheid South Africa. All respondents reported that their households were involved in small-scale agricultural production. A few (12.2%) of

the household heads were employed, and 40% of the households had a household member who was formally employed. These high unemployment levels and resulting income poverty mean small-scale food production which would otherwise be of little importance is a significant source of daily food and income. In addition, households derived income from state grants (85.2%), petty trade of agricultural produce (77.4%) and remittances (15.7%), clearly showing the diverse livelihood activities in rural households. Also most of the respondents were engaged in the petty trade of agricultural produce, which provided a key source of independent income for rural women. This income was spent on household necessities or saved to pay for school fees and uniforms, confirming Agarwal's (2003) and Prosterman (2013)'s findings that women's income is spent for the household's wellbeing.

Evidently rural agriculture is a predominantly female activity in both male and female-headed households. The origins of this practise in South Africa can be traced to the employment practices during apartheid where men went to work, and left women in the homelands engaged in agriculture (Claassens 2013). It is an activity for aged men and women and the produce provides an important source of small daily income through petty trade for rural women and their households. In some cases it was also noted that women spent 80% of their time in the field but when it comes to decision making, the final decision lies with the head of the households (Mpandeli 2006). Efficient irrigation facilities could improve the volumes and quality of agricultural produce for women in this sample, securing household food security and improving their cash income.

Prevailing Land Rights

From focus group discussions and individual questionnaires it was established that Mahesh, Steelpoort Drift and Rambuda communities were all under tribal authority. The land belonged to the chief or headman and the resident households could apply for residential land because agricultural land within the schemes had been exhausted when they were established. The application was accompanied by an identity document and a fee ranging from R120 to R400 depending on the community, successful applicants received Permission to Occupy (PTO).

Claassens (2013) also mentions this token fee during land applications in her study, suggesting this is standard practise in rural South African communities. In Rambuda, however, the Department of Agriculture issued the PTO certificates. Households were not allowed to sell tribal land, although in Mashushu and Steelpoort they were permitted to sell their houses. Households held access, user and control rights to land in the three communities which were transferable through mostly patrilineal inheritance. Borrowing was a common means of temporarily transferring land rights in the communities.

The farmers in the three areas identified the two main sources of their households' agricultural land as the resident tribal authority and inheritance. Table 1 summarises the sample's sources of land in general and by district in the study areas.

Although allocations by the resident tribal authority were the most common in all districts, there were some differences in the second most common means of accessing land. In Mashushu, Government programmes accounted for 31.8%, in Steelpoort borrowing accounted for 17.1% and in Rambuda inheritance for 34.5%. Most respondents (64.3%) in the sample had used their land for more than 20 years, some saying they had been farming since the scheme started. The land access patterns and duration of use in the communities showed that having received land, rights were perceived as being held by a household indefinitely.

Land in the irrigation scheme was divided into plots and respondents held rights to between 1 to 14 plots. The initial criteria for allocating plots to households was not available although anecdotal evidence showed that land was allocated to households who had no alternative employment. Some female respondents in Rambuda mentioned that female plot beneficiaries received 4 plots whereas their male counterparts received 12. This demonstrates gendered land allocation and negative perceptions towards women's ability to use the land efficiently, despite cultivating land owned by their male relatives. It was customary in the 3 areas for a man in a polygamous marriage to divide the plots among his wives. The wives involved in agriculture to produce food for their household and would leave their land to their male children. The average plot number was 7. Due to the central

nature of the irrigation schemes, 87.8 % respondents lived within a 30 minute walking distance from the scheme with only 0.9% living about 2 hours away.

The land access and ownership processes described above show several similarities with documented cases of customary land law in rural communities. First, land administration is the responsibility of the tribal leader, an inherited political position (Mathis 2007). The 'chief' or 'headman' is the local custodian of customs, culture and productive resources in his area (Bogale and Korf 2007; Toulmin 2008; Cousins 2011). Land was largely allocated to local households, strengthening a sense of belonging in community members. This method of land allocation also showed that the household was a primary means of grouping community members for resource allocation and community membership. Second, the communities were all patriarchal as evidenced by the predominantly patrilineal inheritance customs (Yngstrom 2002). Also land allocations to the male household head gave the landholder power over the other household members (Rose 2003; Kerr 2005; Cousins 2011). This also strengthened the household's position as an important avenue of land ownership for the household head, and access and user rights for other household members.

Agricultural land was for household livelihoods and was a valuable asset that could not be mortgaged or sold (Cousins 2011). Instead land could be lent to a neighbour in need so that it could be used, and also safeguarded from loss due to idleness. Although this led to land loss in previous times, most respondents did not view it as a current threat. Also, all communities identified borrowing as a key land access strategy; though it was only practised in the Steelpoort Drift community. Could the land borrowing market be formalised in these three communities? If so, what potential does it hold for improving land access for landless community members?

Differences existed within the prevailing land rights in the communities. First, the inclusion of government departments in the Rambuda community land allocation process, an arena largely left to traditional leaders. This could be attributed to the altering impact of apartheid and post-1994 policies in this particular district. Toulmin (2008) highlighted colonialism and post-independences policies as factors which could influence customary law. Second, the prevalence of documentation of rights, however rudimentary for old and new land holders in Limpopo Province, was an uncommon finding in customary tenure systems. Permission to occupy (PTO) documents, a receipt issued when a land application was submitted and a register gave security and recognition of rights to the community members. The respondents in these communities recognised these as legitimate sources of security. However, the unnamed female users of land remain vulnerable because when marriage ends in divorce, they mostly forfeited their secondary rights.

The prohibitive expenses households would incur when seeking to register their rural land rights have been observed in some studies but, these communities had a less expensive and locally valid means of securing one's land holdings in the communal tenure arena (De Soto 2000; Toulmin 2008). The development of local measures is also noted, the receipt issued by the chief, erecting a fence or marking the land with a pole, were all respected by the local community. This shows that the residents of the communities respected their individual evidence of security, however, De Soto (2000) while appreciating this evidence also highlights that it is useless outside the community as it does not attract investment. The introduction of external investment and loans into the customary tenure framework would lead to a better financed small-scale agricultural sector but it carries risks for defaulting farmers. Those who used their land as collateral would risk losing it, a great risk for vul-

Table 1: Household agricultural land sources in the study areas

District(n=115)	Tribal authority (%)	Inherited (%)	Government (%)	Borrow (%)
General	60.9	20.9	13.2	5.2
Mashushu	63.6	4.5	31.8	-
Steelpoort*	65.7	8.6	8.6	17.1
Rambuda	56.9	34.5	8.6	-

*The total is not 100% because not all respondents answered the question

nerable communities that rely significantly on agriculture.

From this section, rural land rights are shown to be customary and mediated by the resident traditional authority. The communities are patriarchal; their practises in local land allocation and inheritance demonstrate this. How do these general land rights define a resource access framework for women in rural Limpopo Province?

Women's Land Access

Rural women make up a significant proportion of rural dwellers. Their land rights are largely governed by customary tenure which is mostly patriarchal. In such communities, women's rights have been shown to be largely secondary user rights, with primary rights held by women's natal and marital male relatives.

There were four main means of accessing land described in the communities: land allocated by the resident tribal authority, through a government programme, inheritance and borrowing. From these four, a comparison of agricultural land access at household level for male and female-headed households was made as indicated in Table 2.

Allocations of land by the resident traditional authority and inheritance contribute significantly to female-headed households' land access as they do for male-headed households (Table 2). The Chi-square test shows that the sex of the household head is independent of land access in the three areas (data not shown). Of these female-headed households, 10.6% of those who accessed land from the resident traditional authority were married and 60.6% were widowed. Since most female household heads had been or were currently married, this implies that *de facto* female household heads "acquired" and inherited their husbands' primary rights. If that were true, then land access for women as individuals is limited in these three communities. Some key informants and single female household heads reported they had applied for land in their individual capacity, and the chief had awarded them land and RDP houses because they had dependents. Hence in these communities, marriage and children improved women's access to productive resources and assets, leaving single women with no children vulnerable as they were perceived as minors.

Land in the three study areas was mostly allocated to male household heads and 57.4% of the respondents originated from such households. Land was largely accessed through the family and 46.1% reported that the land rights were held by a male member of the family and 17.4% by a female relative. Only 27.2% of the women were using land they held rights to compared to 72% of the male respondents reiterating women's secondary rights in these three communities. The community of residence also influenced household land rights as shown in Table 3.

Mashushu had the highest female farmers (36.3%) using land they held rights to, although most were widowed. Steelpoort, however, had the lowest number of men working on their plots; although many more held land as shown by the 37.1% of respondents who used their male relatives' land. Did the men in Steelpoort have better paying sources of income? Could the possible lack of off-farm opportunities for men, make land a predominantly male resource in the other communities?

A woman's age, marital status, education level and district of residence influenced her land rights at household level. As women got older they were more likely to hold primary rights to land, 32.05% of the women over 50 years held individual rights to land compared to none under the age of 35 years and 0.04% in the 36-50 years age group. However, only 12.5% of women who had never married and were over 50 years old, used land they held rights to compared to the 55.2% of widowed respondents. This shows that women in these communities have limited opportunities to access land themselves without getting married. Further, 56.7% of married women accessed land through their male relatives. This shows that the most important land access was through the family for women as wives, daughters and mothers of their male relatives, and was supported by Yngstrom (2002), Rose (2003) and Cousins (2011). Wives used marital land allocated to them for the duration of the marriage and this was similar to observations by Yngstrom (2002), Hatcher et al. (2005) and Cousins (2011). Marriage provided women with a strong access point for land because it elevated the status of women in the household and community and gave them a responsibility to provide food for their households. A married woman therefore had access and some decision

Table 2: Agricultural land sources for male and female household heads in rural Limpopo Province

<i>Head of household (n=115)</i>	<i>Land access (%)</i>			
	<i>Traditional authority</i>	<i>Inheritance</i>	<i>Government programme</i>	<i>Borrowing</i>
Male	65.2	18.2	12.1	4.5
Female	56.5	26.1	15.2	2.2

making power about land use compared to other women in the household (Yngstrom 2002). Doss et al. (2014) add, married women who owned property or held joint rights to land had a stronger bargaining position than those without. This suggests the possible existence of a hierarchy of rights among secondary rights users, dependent on one's status in the household.

Inheritance was a significant access point to household land for widows in all three sites. Of the widows, 53.3% had inherited their husbands' land and used it until they died or their sons grew older. This reiterates the belief that women only inherited the land in a caretaker capacity for the sons as observed by Jacobs (2004). Women in other marital classes in the study could not inherit land, for example, there was a strong view that single daughters were going to marry someday and the land would be lost to another clan or another family. Consequently, 65.2% of the respondents identified sons as rightful heirs, the rest said the eldest child regardless of sex should inherit and look after the younger siblings if they were still minors. Single daughters had weaker rights than sons who allowed them to use the natal land after the parents died. They could only inherit if there were no sons and married women could not inherit natal land because they now belonged to another family. Alternatively, single women in Steelpoort and Mashushu could apply for individual land with their families' assistance. Rambuda respondents did not give land to single children because '*they ate at*

home'. While it was possible for single women to access land from traditional authorities, it was very difficult within the household. Why has household land inheritance remained gendered when strengthening women's land rights would benefit the household the most?

Divorced women returned to their natal homes, cutting off all ties to the marital family and its resources, and they were given land like other single women by their natal families if they had land to spare. The association between land access and relationship to the male household head was demonstrated by the loss of user rights on divorce (Deininger and Castagnini 2004; Kevane and Gray 2008; Toulmin 2008). There were very few divorced women in the sample (1.7%) and this could be attributed to the envisaged loss of status and user and 'control' rights to marital land that came with divorce. It could also be due to the loss of land for the leaving woman's children. Verma (2001) showed that children with divorced parents who had relocated with their mothers usually lost claim to paternal land, and had very weak rights in their mother's natal homes. Maintaining a good relationship with male relatives was therefore a key for women's land access, but it also weakened women's position in the household and community (Yngstrom 2002; Lastarria-Cornhiel 2006).

Cohabiting women mostly used land that belonged to their partners or partners' families. Women in informal marriages hold weak user rights to their partners' family land. The man has

Table 3: Respondent description of primary land rights holders

<i>District (n=115)</i>	<i>Male respondent (%)</i>	<i>Male relative (%)</i>	<i>Female relative (%)</i>	<i>Female respondent (%)</i>
General*	12.2	46.1	17.4	22.6
Mashushu*	13.6	31.8	13.6	36.3
Steelpoort*	5.7	37.1	31.4	22.9
Rambuda	15.5	56.9	10.3	17.2

*The total is not 100% because not all respondents answered the question

no obligation to give her land because that obligation only lies with men for their wives (Kevane and Gray 2008; Cousins 2011). Similar observations were also made in Gusuii, Kenya, where due to land shortages men resorted to informal marriages that gave women temporary user rights but no security at all (Kevane and Gray 2008). Cousins (2011) also observed that women in informal relationships in Msinga (Kwa-Zulu-Natal), South Africa could use their partners' land until the relationship ended but even then access and user rights were not secure.

Borrowing land was a key strategy practised by 6.4% of the respondents and all were female. To borrow land, one approached a neighbour or family relative whose land was idle. The two parties made a verbal contract which specified time and conditions of use of the plots; which included any of the following: payment of irrigation scheme fees, maintenance work and produce as a token of appreciation. Although largely practised in Steelpoort Drift irrigation scheme, some respondents from Mashushu and Rambuda had taken part in such arrangements in previous seasons. Conflicts normally arose when the borrower did not honour the agreement and could have land taken away from them. However, a Rambuda respondent claimed that in spite of honouring the verbal agreement; the lender had been jealous of her harvest and had taken away the land the following season. Conflicts also occurred when one of the parties was deceased and their heirs were not aware of the agreement, given its verbal nature. Despite these challenges, borrowing land seemed to be a viable arrangement for those landless young households and landed older community residents whose children were not interested in farming or lived in other areas. Could borrowing be more efficient if the contract were written, given its demand based nature? Its potential to succeed would be great; given its basis on social relations and that the contract is built on local customs and traditions.

Although women were mostly secondary rights holders, 50.4% were responsible for household agricultural land allocation. This allocation was for daily household production but also, some respondents in this sample identified their widowed mothers and mothers-in-law as having allocated plots to their children before they died. The ability of rural elderly women to give rights to land albeit temporarily in some

cases gives them leverage in social relations. Agarwal (2003) showed that elderly women with property were treated in a better way than those without because they could leave the assets with those of their children who looked after them. This is important given the limited available plots in the irrigation schemes.

Only 3.5% of the respondents felt that it was not right for women to own land. These respondents were all male and from Rambuda community, 75% of them were over 50 years old. While they seem few in number, they constituted 30.8% of the male respondents interviewed in this community. Given older men's position as household heads, this could have a negative effect on female household members' ability to access land. Some 6.1% of the respondents felt that it was good for single women only to own land, citing that married women did not need land as it could strain relations. These respondents were mostly (85.7%) female and were over 50 years old and had been or were currently married. Possibly their experiences as married women in male-headed households had demonstrated to them the lack of flexibility of the marriage institution and the suspicion with which a married woman with individual land rights was viewed. Tripp (2004) and Collins (2014) using examples from Uganda and Tanzania, found that women acquiring individual property rights were viewed as threats to social organisation and gender roles. The respondents identified potential land sources for women as the chief and male relatives, only 41.7% mentioned female relatives. A possible reflection of women's limited land access and resulting limited ability to alienate portions of it.

While a significant percentage of the women in this sample were shown to have access and rights to land as individuals, patriarchal attitudes prevailed. Women were mostly secondary beneficiaries of land in both male and female-headed households and accessed land through their male relatives in mostly private arrangements. This secondary access to land was secure for the duration of the relationship. Although women in Steelpoort were more able to access their own land, younger women still relied on their male relatives' support to accompany them to the chief's office to apply for land. This male reliance was because men were viewed as senior to women because *'The husband has more power and the son has more power because the girl leaves to get married.'* Land was

therefore perceived to be secure if it was given to the male relative.

Women's Land Use Security

Land use security is essential if rural farmers are to produce efficiently towards household food security (Aliber et al. 2006). Women have been shown to be a key constituency in rural agriculture; however their access and security to land are mediated by their male relatives (Agarwal 2002; Prosterman 2013). In the three communities, it was established that women had largely secondary rights, accessed through marriage. This section outlines their source of land use security with respect to their land access.

In the three communities under study, 85.2% of the respondents had registered their land at the local traditional office. Other sources of land security were that the land belonged to their family and that community elders knew the local land owners. Seventy point two per cent (70.2%) of the Rambuda respondents mentioned having a PTO document. Other local sources of security highlighted by the respondents were first, a receipt issued on payment of the land application fee bearing the applicant's name and date of payment as shown in the following quotation: "...the chief gave me the land and a number and date of the transaction to show it is mine. If my date was before yours then there is no case." Second was knowing one's neighbours, and finally honouring the verbal terms of a land borrowing agreement. Ninety eight point three per cent (98.3%) of respondents felt their land was safe from external appropriation because it had been in their natal and marital families for at least 39 years (when the last scheme was established), and they had registered it at the traditional office. Land use security is therefore defined by context and the land users' perception of threats as stated by Toulmin (2008).

Within the household, however, respondents identified some scenarios that could lead to land loss as shown in Table 4. Women mostly forfeited their rights to natal land on marriage, and marital land on divorce due to the patrilineal nature of marriage. Marriage transferred a woman's rights to her marital family but these could be lost on divorce. The strength of men's rights over women's in patrilineal marriages is reiterated by 80.9% of the respondents who felt a husband had stronger land rights. However, 40.9%

of the respondents in Mashushu felt that women had stronger land rights. From the focus groups it was established that these stronger rights were there because the women had to look after the children regardless of what happened. Once more, this stresses the importance of securing child welfare and household livelihood through agricultural production. Widows were safe from land loss because 83.5% of the respondents said they retained marital land if the husband held primary rights to land before his death. Therefore widows of landless men had to rely on other sources of land. In this study, 46.7% of the widows had secondary rights to land owned by other relatives, a very insecure arrangement because the land could be withdrawn when the primary rights holder decided to take back the land or give it to someone else. Borrowed land was perceived as secure as long as the individual who borrowed it honoured the terms of the verbal agreement. Respondents in Rambuda highlighted the importance of informing the chief to secure both the borrower and lender's rights in the event of a dispute.

Table 4: Perceived changes on women's land rights in different scenarios

Land right	Lost (%)	Retained (%)
Natal land on marriage*	67.8	27.0
Marital land on divorce*	79.1	10.4
Marital land on widowhood*	5.2	73.0

*The total is not 100% because not all respondents answered the question

Respondents felt that marital status had an effect on a woman's individual land rights. Table 5 shows general perceptions of insecurity for women in different marital classes.

Marriage was a source of security for married women and land use was guaranteed through their husbands for the duration of the marriage. The respondents felt that marriage gave a woman status and a household to take care of, strengthening her land rights. For women in a polygamous marriage, security also increased with the birth of a child.

However, there was a class of respondents, 36.4% and 12.1% of the respondents in Mashushu and Rambuda, respectively, who felt that marriage weakened a woman's land rights because she forfeited her natal land rights for seemingly stronger marital rights. But the wom-

an could be chased away in the event of a divorce. They felt that instead the single woman with children who had accessed land through her family's help had stronger land rights because she was the household head and not a mere user.

Table 5: Perceived insecurity of women in different marital classes

<i>Marital status</i>	<i>Insecure (%)^a</i>
Single, no children	11.3
Single, with children	5.2
Married	10.4
Married polygamous	13.0
Widow	2.6
Divorced	25.2
Cohabiting, no children	15.7
Cohabiting, with children	11.3

^aThe total is not 100% because not all respondents answered the question

Widows land access was secure if she was married, and the land belonged to her husband, she had children, she observed the mourning rituals and maintained a cordial relationship with her husband's family. Divorced women were secure in their natal homes because they left the patrilocal marriage home. In Steelpoort, however the wrong party left the family home and assets. Cohabiting women were insecure because they could be chased away when the relationship ended and because their relationship was informal they had no family support. Single women with children were more secure than those without. Using natal family land or receiving an individual plot and being given a PTO were thought to provide security.

It is evident that there is a hierarchy of secondary rights that was based on the woman's rights in the household and the security of these rights holders also depended on their status. Given the changes in status that occurred during a woman's life cycle, her land rights and their security also went through these changes. As a young unmarried daughter, her rights were weaker than those of her male siblings, they became stronger if she chose to become a single mother but were still weaker than her male siblings' rights. Having lost her natal land rights on marriage, a young daughter-in-law's land rights were weak but seemingly stronger than those of the resident unmarried sister-in-laws. Her rights be-

came stronger with age and children born. But the uncertain nature of human relations meant that if she were to get divorced, she would lose her land rights security and status. The differing strength of rights held by a woman in the household creates an uneven landscape to establish a woman's source of security. This further complicates the secondary rights allocation and adjudication framework, tethering women to their families, thus limiting their independent and secure access to resources.

Although most respondents felt their land right were secure, their status and how they accessed land defined their security. Respondents with inherited or allocated primary rights felt their security stemmed from a record at the tribal office or some other locally acceptable means. Those with secondary rights gained security through maintenance of their relationship to the primary rights holders. Children and marriage were essential to women's security. In the other areas, family land was perceived to be secure because it had been in the family for years. Neighbour recognition was also an important means of security. Borrowed land was seen as secure as long as both parties stuck to the agreement.

Land use security for rural women is therefore derived from family and the maintenance of good relations. In Msinga, South Africa, Cousins (2011) observed that male relatives supported their female relatives in accessing land and resolving disputes, if the women maintained good relations with them and also observed expected marital processes. Without family support, a woman could easily lose her land (Cousins 2011). If a woman lost this support through divorce or widowhood, her male relatives could evict her from the land (Claassens 2013).

Land Use Security for Food Security

The respondents used furrow irrigation to access agricultural water. Irrigation facilities in Steelpoort and Rambuda were operational but the Mashushu scheme was not fully functional. Agricultural water access in the schemes was reserved for plot holders and those who had borrowed land could use the water provided their benefactor had paid a stipulated fee. Scheme members in Steelpoort paid a R20 monthly fee regardless of plot size while those in Rambuda paid R2 annually for every plot they held. The Mashushu scheme had uncemented furrows and

water was lost in transit due to seepage. Unlike the other schemes where the furrows were running parallel to plots, the Mashushu respondents said their plots were on average 13 minutes away from the water source and this deterred frequent planting. Thamaga-Chitja et al. (2010) underscore the importance of access to water for rural agriculture.

Although 41.7% of the respondents planted three times a year, the number of times a respondent planted a year was largely determined by their place of residence. Respondents in Mafefe planted mostly (86.4%) once a year, 91.4% from Steelpoort twice a year and finally, 79.3% of Rambuda respondents thrice a year. They planted a variety of cereals, legumes and vegetables. This could be attributed to favourable climatic conditions, having adequate water and also planting a variety of crops. Table 6 shows the most common foods grown in the three communities with five of the most common crops per area in bold.

The Mashushu community largely grew seasonal staples which contributed to household food supply for a significant part of the calendar year after harvest. They attributed their planting pattern to their reliance on rainfall to irrigate their crops. Since most farmers were elderly, carrying water from these distances would have been difficult and therefore a disincentive to frequent planting. The Mashushu respondents harvested seasonally and there was a general lack of fresh vegetables in the area. Due to their largely remote location, the respondents' incentive to produce frequently for sale could have been affected. They were surrounded by mountains and the area was difficult to reach.

The Steelpoort respondents largely grew fresh vegetables and 62.9% of the respondents

grew for household consumption and petty trade. The respondents (82.8%) in this community largely harvested more than three times a week. They, unlike the Mashushu respondents, lived on either side of a busy road to Burgersfort and were close to Jane Furse (a town) and several mines. This created daily demand for their vegetables.

The Rambuda community grew a mixture of staples and vegetables and 67.2% grew for household consumption and petty trade. The respondents harvested the staples seasonally and vegetables three times a week. Rambuda was located near Sibasa and Thohoyandou which provided a market, also some farmers had trucks which they used to ferry produce to other districts creating even bigger markets for their wide range of produce. Respondents in a community grew similar crops regardless of sex.

Women were in charge of planting activities in 67.8% of the respondent's households. Where women controlled planting activities, 44.8% of the households were involved in agriculture for food production and the earning of a small income. This is compared to 78% in households where men allocated agricultural resources, and this could be attributed to women's resource poverty.

Women in the sample were involved in agriculture for household consumption and petty trade because they considered agriculture as the only available livelihood activity for unskilled women. Some of the women in this sample also identified seasonal public works contract employment and voluntary community projects as the only opportunities open to women. Agarwal (2003), Kerr (2005) and Kent and MacRae (2010) also observed rural women's livelihood oppor-

Table 6: Crops grown in the three communities (n=115)

<i>Crops</i>	<i>Mashushu (%)</i>	<i>Steelpoort (%)</i>	<i>Rambuda (%)</i>	<i>Total *</i>
Maize	100	-	89.7	64.3
Nuts	66.7	2.9	37.9	32.2
Sugar beans	50.0	2.9	27.6	24.3
Sweet potatoes	20.0	20.0	81.0	50.4
Tomatoes	18.2	-	8.6	7.8
Cabbage	-	-	23.2	11.3
Spinach	4.5	97.1	20.7	40.9
Beetroot	4.5	91.4	6.9	37.2
Garlic	-	88.6	-	27.0
Onion	-	74.3	10.3	27.8
Carrots	-	68.6	1.7	21.7

*Totals for this section do not equal 100% because farmers grew different crops

tunities are limited, making agriculture a key activity. Therefore while some insecurity may have existed, women continued to engage in agriculture because they needed to eat and feed their families. O'Laughlin et al. (2013) and Kepe and Tessaro (2014) write about the poverty and hunger which is pervasive in post-Apartheid rural South Africa and how subsistence agriculture is important for farmers' households particularly when there is access to land and water.

CONCLUSION

The prevalence of customary law systems in rural areas is well documented, as is the secondary rights that women hold to land. Rural Limpopo Province from this study is shown to be an area under customary law and with a patriarchal nature. Land access was mostly through the family and there was limited individual access for women. Old widows were most likely to have inherited their husbands if they had held primary rights to land. Outside the family, borrowing of land was seen as another viable means of accessing land in the three districts. Land use security in the three communities was determined by the source of land and a woman's status. Marital family land was secure if the woman remained married and had children, while borrowed land was secure if the contract was upheld. Being single and childless or cohabiting and childless significantly limited the security of a woman, thus a hierarchy of rights existed for secondary rights users. This hierarchy of secondary rights created much insecurity for women.

Agriculture was also shown to be a significant livelihood activity for rural women, and the need to farm for consumption was a stronger incentive than any perceived insecurity. All farmers grew crops that could be consumed in the household, showing that food production improved household food access to food. Also more female-headed households than male-headed households were involved in agriculture for consumption only.

The area of residence determined the amount of planting that one was involved in and this was attributed to limited water availability in one of the communities. While water availability played a significant part, the availability of markets and infrastructure in a community also influenced the planting frequency.

RECOMMENDATIONS

A system of land rights that recognises the role and value of women in the household and community must be developed. One that recognises women as local citizens and gives them rights that cannot be taken away if a relationship changes. There is also a need to formalise and document borrowing of land so that both the lender and the borrower are protected.

Government and local institutions should invest more in women's agriculture given their role in household food production. The fact that the majority of women in all the study sites are at the forefront on the agricultural activities, it is important for these women to be given all the support including powers to make planting decisions. These women also need to be supported financially, build their adaptive capacity and they need to be assisted to access technology all the time.

There is a need to rehabilitate and maintain irrigation structures in the three study areas so that they can be used efficiently. Government cooperation is also required to improve road infrastructure in the rural areas, so that they are more accessible, this could possibly increase market access and other service delivery.

FUTURE AREAS OF STUDY

Further research could be done on, first, how the current property rights systems could be improved to strengthen rural women's land rights. Second, significant production was observed in the study areas, and future work could focus on these farmers accessing better paying markets.

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