

## COMMUNITY DECLARATION ON LAND RIGHTS BY THE WOMEN WHO LIVE IN RURAL LIMPOPO, SOUTH AFRICA.



*Some of the rural women of Limpopo who participated in the community meeting at Ster Park Guest House in Polokwane, 30 November 2021, to produce this policy declaration.  
Picture credit: Nkuzi Development Association/PLAAS.*

### BACKGROUND

"We, the community members, present these demands on land rights developed through a consultative process involving representatives of communities and supported by Nkuzi and PLAAS. All demands presented below were endorsed by all participants."

### Introduction

This community declaration was conceived when we, the community members of Limpopo, South Africa, with support from Nkuzi Development Association (Nkuzi) and the Institute for Poverty, Land and Agrarian Studies (PLAAS), met in Polokwane on 30 November 2021.

This declaration makes demands to the Department of Cooperative Governance and Traditional Affairs; Department of Agriculture, Land Reform and Rural Development; Department of Women, Youth and Persons with Disabilities; Department of Transport; Department of Mineral Resources; Department of Justice; Department of Human Settlement; Department of Sports, Arts and Culture; Department of Tourism; South African Human Rights Commission (SAHRC) and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities to promote women's access to use, control, own, inherit and transfer land and natural resources.



## We demand the following:

### Policy and Women's Land Rights:

- Government's recognition and respect of customary land rights, whether registered or not;
- Legal recognition of women, families, and local communities who have been using the land in good faith for at least five years;
- Laws that promote joint and equal ownership of land between husband and wife or wives;
- Clarity on the land rights that are associated with the joint ownership for all family members including the girl child and single women with or without children;
- Secure land rights for all women including single women with or without children, which are not undermined by other laws such as marital, family, succession and inheritance laws;
- Family-held rights to residential and cropping fields, with a regularly updated list of clearly identified and gender-inclusive beneficiaries;
- Consultation with women when partners or spouses approach traditional leadership to acquire land such as grazing or ploughing fields;
- Support for existing social practices that strengthen poor women's easy and cheap access to customary land;
- The banning of social practices that are biased against equal rights for women to inherit, access, own, use and transfer land;
- The banning of outdated social practices, like being confined to the yard after dusk, that undermines widows' constitutional freedoms;
- The banning of outdated social practices that deepen the division of widows based on their economic status, for example: unemployed, working or self-employed;

- Adequate and readily available information on the process of gaining access to land for women;
- A guarantee that women's access to land is not compromised in the event of divorce or the death of a spouse; the process of acquiring land following such a death should be free of charge.

### Traditional governance

- The right to choose under whose traditional governance to be; women must have the right to opt out of discriminatory systems.
- An immediate end to the expulsion of locals living on customary land, especially women and children by traditional leaders;
- An immediate end to traditional authorities' practice of requiring newly married women to re-register land, which they acquired while single, in their new husbands' names;
- An immediate end to the use of force and violence by traditional leaders, which includes beating up women;
- An immediate end to the violation of widows' rights and to stop the discriminatory rules that stop widows from accessing burial land for their relatives;
- An immediate end to the exclusionary practices by traditional leaders that stop community members - especially women - from gaining access to

- common property resources such as gravesites; traditional laws that only allow access to land for women who fall under a particular chief must be banned at once, and all women should have access regardless of their status
- An immediate end to the predatory practices of extorting money during funeral ceremonies;
- A call for traditional leaders and local gangs to stop selling land and instead allocate it according to customary and social norms, in consultation with communities;
- Access to the land of their choice for all women, instead of being designated areas where they can access land; this should also apply to their grown children who need land.
- A requirement that traditional leaders be mandated to disclose all land allocations on common property resources such as gravesites, forests, grazing land, and rivers;
- A clear demarcation of common property land from residential land during land allocation;
- Alternative land should be allocated if an individual has been removed from common property;
- An end to corruption, bribery, undue influence, violence against women's bodies and sextortion. when it comes to land allocation and governance by traditional leaders;
- 50-50 participation of women in traditional leaders' committees that govern their land, including representation on the Traditional Councils;
- A ban on any discriminatory practices based on gender in the allocation of land and general land governance;
- Inclusion of women as traditional leaders;
- Accountable governance structures of customary land that consult citizens - especially women;
- Capacitating traditional leaders to protect women's land rights, especially in family disputes over land, and supporting their championing of women's land rights;
- The establishment of appropriate, easy to access and low-cost dispute resolution mechanisms that allow for redress where women are not happy with the decisions of traditional leaders;
- Cost-effective, transparent, and decentralised land administration systems for both state and customary land, that are responsive to the needs of citizens and promote participatory approaches;

### Productive assets and social services

- 50% of land distributed under the land reform program must be allocated to rural women;
- 90% of rural women must have access to productive assets, including land, by 2030;
- State grants and accessible loans that can empower women who are financially poor to participate in self-help agricultural developmental projects;
- Social service delivery like maternal clinics, water and dip tanks for all, including women, youth, and people living with disabilities;
- Restoration of degraded cropping land and soil, including land affected by drought spells;



## Investments

- Support for women's initiatives, for example, community creches and drop-in centres;
- Inclusion of local communities by investors in decision-making over urban and mining development projects;
- A clear right for women to say yes or no to urban and mining developments on their land;
- Payment of fair and equitable compensation when land is lost in the public interest and ensuring that there are no arbitrary displacements of communities;
- All alternatives to displacement should be explored before the decision to displace is made (for both holders and non-holders of Permission to Occupy certificates);
- The recognition of social and cultural attachments to land by communities when expropriating land in the public interest
- A commitment that the special needs of displaced women are considered in all resettlement processes;
- A commitment to obtaining consent from women, youths, and people with disabilities, to ensure that they willingly agree to urban developmental projects in customary areas;
- Civic awareness on existing national, regional and international frameworks and safeguards around Large Scale Land Based Investment (LSLBI);
- The ratification, implementation, and monitoring of regional and international guidelines and protocols on sustainable investment like the African Union and Voluntary Guidelines on the Governance of Tenure (VGGTs);
- Respect for progressive cultural norms and social practices that protect women's land rights;

## Custodian over customary land

- A commitment that communal land rights belong to the citizens and not to the President, Minister or Traditional leader.

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