



The Drive to Recognise Indigenous Women Rights in the Face of a Putrefying Economy and Chronic Unemployment

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Abstract: Existing socio-economic rights provided by the Constitution are unavailable to the majority of women in South Africa, resulting in poverty perpetuation and increase, as well as feminisation. Furthermore, constitutional guarantees of equality and non-discrimination, particularly for indigenous women, are theoretical. What remains are the realities of indigenous women's daily life, which are characterized by a struggle for survival driven by worsening unemployment, socio-economic conditions and a lack of development. In this regard, the paper argues that indigenous women in South Africa will remain poor and marginalized unless equality and non-discrimination theory is converted into practice through the recognition of indigenous women rights in the face of a putrefying economy and chronic unemployment. Consequently, South Africa will not be able to create adequate employment, increase productivity and economic diversification.

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1. Introduction

In Africa, there are millions of Indigenous Peoples, with Indigenous Women accounting for more than half the population (Agejo, 2019). In this region, the non-recognition of Indigenous Peoples' existence and rights remains a fundamental concern (Picq, 2018). Indigenous Peoples have been and continue to be subjected to egregious human rights violations, institutional racism, discrimination, and land dispossession because of their subordination to and

distinctiveness from mainstream cultures and polities (Toki, 2022). Indigenous women, in particular, experience many levels of prejudice, which is exacerbated by the intersectionality of their status as women, indigenous, underprivileged, and occasionally disabled (Atrey, 2018). This frequently leads to a lack of access to basic rights such as education, health, and information, as well as vulnerability and marginalization. They are also subjected to patriarchal autocracy and disempowerment by the society and state (Seyfi, Hall & Vo-Thanh, 2020).

While there is no universally acknowledged legal definition, the International Labor Organization's Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries ("ILO 169") establishes a series of conditions. The Convention defines Indigenous peoples as those who are descended from populations who were inhabitant in the country or region at the time of conquest, colonisation, or the establishment of state boundaries and who preserve part or all of their own social, economic, cultural, and political systems. A basic criterion is self-identification as "indigenous". Furthermore, most indigenous peoples have deep ties to their lands and territories, speak distinct languages, have distinct knowledge systems and beliefs; and belong to non-dominant social groups (Ramirez, 2021).

There is a widespread belief that indigenous women live in rural areas and devote their time to a variety of domestic chores, such as caring for their children, caring for domestic animals, and participating in the family's subsistence activities, such as shifting cultivation, herding or hunter-gathering, and making handicrafts (Ferrant, Pesando & Nowacka, 2014). While this may be true in some parts of the world, the overall picture is changing rapidly and is significantly more complex. In South Africa, Indigenous women contribute significantly to their communities and the workplace (Klingspohn, 2018). Indigenous women are increasingly entering the formal and informal labor markets as self-employed employees or wage earners as a result of democracy (Klingspohn, 2018). They are, however, discriminated against not just because of their gender, but also because of their indigenous identity, ethnicity, colour, and religion (Reddock, 2019). As they enter and progress through the labor market, they face many forms of discrimination.

Appointments to decision-making roles and jobs in certain industries or with specific qualities remain elusive. The South African labor market is more favourable to men than it is to women, according to the Quarterly Labour Force Survey for the second quarter of 2021. Regardless of race, men are more likely than women to be employed, while women are more likely to be undertaking

unpaid work (Hunt, Samman, Tapfuma, Mwaura, Omenya, Kim, Stevano & Roumer, 2019). Men have a greater employment rate than women; more men than women participate in the labour market because men have a higher labor force participation rate; and men have a lower unemployment rate than women (Hunt, *et al.*, 2019). According to the official definition of unemployment, women had a rate of 36,2% percent unemployment in the second quarter of 2021, compared to 32,4% percent for males (Delle, 2021).

During this period, the unemployment rate for black African women was 41%, compared to 8,2% for white women, 22,4% for Indian/Asian women, and 29,9% for coloured women (Delle, 2021). According to the expanded definition, women's unemployment rate was 8,1% points higher than men's in the second quarter of 2021, at 48.7% (Kabeer, Razavi & Rodgers, 2021). In the second quarter of 2021, women accounted for 43.4% of total employment (Stats SA, 2021). Men accounted for 66.9% of those in management positions, while women accounted for 33.1% (Stats SA, 2021). In the second quarter of 2021, about a thirtieth (30.1%) of all people working, held jobs in the Elementary and Domestic work occupations. Domestic workers, clerical, and technical occupations were dominated by women, whereas the remainder of the occupations were dominated by males (Stats SA, 2021). Men occupied only 5,5 percent of domestic worker positions, while women occupied only 11,9 percent of Craft and related trade jobs (Stats SA, 2021).

However, it is pertinent to note that indigenous women are not a homogeneous group, and their circumstances vary greatly within and between communities and environments. Although most indigenous women share a common denominator of poverty, the reality is more complicated. Although many indigenous women are uneducated, an increasing proportion are well educated and work in academics as doctors, attorneys, or parliamentarians. Indigenous women have also made a name for themselves by advocating for indigenous peoples' rights on a global scale. Against this background, the paper argues that the recognition of Indigenous women rights is pertinent to reduce unemployment and promote economic development in the face of a putrefying economy and chronic unemployment.

2. Multiple Forms of Discrimination That Indigenous Women Workers Face

In this section, the paper discusses the forms of discrimination faced by women in South Africa. The discussion is pertinent in contextualizing the ramifications of discrimination on indigenous women.

2.1. Discrimination based on indigenous identity

When indigenous women are legally unable to possess land in accordance with their beliefs, practices, and traditions, or are restricted in the usage of land that they have historically occupied, this is known as discrimination (Njieassam, 2019). As various scholars have argued, indigenous women's loss of access to land and natural resources is a crucial factor in their urban migration, which leads to increased poverty and marginalization (Adeyeye, Gibberd & Chakwizira, 2020). Indigenous women are unable to maintain their traditional activities, such as production of handcraft, without access to land, which has a significant influence on their social and economic status.

In the African culture, the corresponding gender roles that an individual would do, such as hunting, smoking meat, or conducting particular rites, are defined by gender identity (Mashabane & Henderson, 2020). This is based on each Indigenous society's cultural precepts regarding gender roles. Many indigenous customs and practices are patriarchal, meaning that males inherit wealth, power, and inheritance (Massoi, 2019). In the community, men hold positions of power and leadership. In most African societies, for example, women and girls have far less access to property and land than boys and men. They cannot produce resources to feed their families or earn revenue without land, which perpetuates the poverty cycle for their children.

2.2. Discrimination on gender

Unequal compensation, disparities in promotions, occurrences of sexual harassment, and racism are all examples of gender inequality in the workplace (Rosigno, 2019). It often manifests itself in subtler ways, such as less opportunities for women who are mothers and a higher rate of burnout in women. An elaborate example to illustrate this form of discrimination is when women (both indigenous and non-indigenous) are paid less for the same labour or for work of equal value, when women are discriminated against because of a real or perceived reproductive role, due to family responsibilities, or when gender norms and stereotypes prevent indigenous women from working outside the home.

From a cultural view, the Vha-venda throne dispute between Masindi Mphephu-Ramabulana and Toni Mphephu-Ramabulana is an excellent example of gender discrimination. Mr Dimbanyika Mphephu, Masindi Mphephu- Ramabulana's father, was appointed as the chief of the Mphephu-Ramabulana Tribal community to succeed his late father, Paramount Chief Patrick Ramabhulana (Mulaudzi & Kriel, 2021). Before his death in 1997,

Dimbanyika Mphephu ruled for only three years. Toni Mphephu-Ramabulana was identified to take over the chieftaincy after his death on 11 January 1998. Following that, President Jacob Zuma installed Toni Mphephu-Ramabulana as the King. However, Masindi Mphephu-Ramabulana, contended that she was passed up for the throne because of a cultural tradition that favored only males for Kingship (Mulaudzi & Kriel, 2021). The Supreme Court of Appeal in *Mphephu v Mphephu-Ramabulana & others*, held that the decision to recognise Toni as the rightful king “promotes gender discrimination”.

2.3. Discrimination as “indigenous women”

This may occur for example, when indigenous women workers are favoured as factory workers because they are less likely to be members of trade unions or aware of their rights than indigenous males or non-indigenous women, or when indigenous women workers are paid less than non-indigenous women (McIvor, Palmater & Day, 2018). It also occurs where certain jobs or positions in the workspace are reserved for males, simply because they are male, rather than on the basis of their individual skills or capabilities. Likewise, from a cultural perspective, this may occur wherein women are overlooked for certain privileges, for example, land allocation, simply because they are women.

3. A Conceptualisation of Indigenous Women’s Individual and Collective Rights

The purpose of this section is to clarify how indigenous women’s rights should be conceptualized in the context of gender equality and indigenous collective rights. Some scholars have critiqued feminist approaches that they believe “reduce women to individual, purely gendered subjects” and only think of women’s rights as individual rights, neglecting a vital and fundamental component of indigenous women’s experience (Rutherford, 2018). As a result, acknowledging that indigenous women have both individual and collective rights should be a key starting point. In the same way that indigenous women have stressed that “recognition of indigenous peoples’ collective rights is key to combating violence against women”, it should be acknowledged that defending indigenous peoples’ collective rights is essential to protecting indigenous women rights.

To buttress this argument, several scholars have argued and demonstrated that indigenous women have been forced to seek employment as farm workers in rural areas or in export processing zones as a direct result of the undermining of their collective land rights and the resulting loss of access to and control

over communal lands, joining thousands of non-indigenous women who are unprotected by labor laws (Strauss, 2019). Furthermore, due to violations of indigenous peoples' collective rights to determine their own economic, social, and cultural development, indigenous women and men have been forced to give up their languages, cultural traditions, and traditional knowledge, resulting in the loss of their traditional occupations (Hanna & Vanclay, 2013). Indigenous women are generally more vulnerable than indigenous males in this predicament because they have less decision-making power in their communities.

This includes the role of women's voices in defining the right to self-determination of their peoples. To address the issues faced by indigenous women workers, solutions that preserve both their individual rights as women and indigenous peoples, as well as their collective rights as indigenous peoples, must be found.

4. Link Between Indigenous Knowledge and Indigenous Women Sustainable Development

The section aims to depict the role of indigenous knowledge in promoting women sustainable development. This is pertinent because Indigenous knowledge is critical to Africa's growth in all forms, particularly in rural areas. Africans are endowed with unique wisdom that contributes to human development. The importance of indigenous knowledge, cannot be overstated. Traditional knowledge associated with African custom or culture is referred to as indigenous knowledge (Janke, 2018). It is essentially innate in man. It is not linked to any form of formal education or training. It is deeply ingrained in African culture and is associated with oral tradition (Janke, 2018). Indigenous knowledge is held in the heads and lips of the custodians, and it is passed down orally from generation to generation (Falola, 2022).

Oral tradition is a vital means of conserving and conveying indigenous knowledge, even with the advent of computers. The original method of cultural memory is oral tradition (Nunn, 2018). Folklore, folktales, bedtime stories, and songs, among other things, are used to do this (Nunn, 2018). Individuals in rural communities in South Africa, particularly women, are endowed with indigenous knowledge of traditional medicine, land use and management, family healthcare, food crop breeding, seed storage, and the domestication and usage of wild edible plants (Ncube, 2018). Consequently, women's contributions to the family and community as wives and mothers play a critical role in rural communities' long-term growth. To enhance the

local economy, they engage in food production and marketing (Ncube, 2018). They are biodiversity stewards with expertise in land use and management, childbirth, family planning, and health care (Bajner, 2019).

The contribution of women to the maintenance of the local economy is made possible by their indigenous knowledge. For example, Mathibela, Egan, Du Plessis and Potgieter (2015) contend that a majority of rural Bapedi women in South Africa, are herb specialist with the ability to detect the medicinal value and viability of local herbs. In India, rural women were able to identify 145 different tree species and their uses, but forestry experts only knew about 25 different tree species (Shiva and Dankelmann, 2006). Women in Burkina Faso carefully collect the fruit, leaves, and roots of native plants such as the bark baobab tree (*Adansonia digitata*), red sorrel leaves (*Hibiscus Sadderifa*), kapok leaves (*Ceiba pentandra*), and tigernut tubers (*Cyperus esculentus* L) for use in their families' diets, supplementing agricultural grain production (Wole and Ayanbode 2009).

According to Ghulami, Prasanna, Viresh and Karthik (2018), two women's groups in India's Karnataka region operate community biogas plants (non-scientific in approach and nature). This is for the provision of running water and electricity to all of the village's residences. In Mali, rural women employ traditional knowledge to create *Jatropha Curcas* oil, which is used as a raw material and a source of energy (Bekalu & Fekad, 2020). They utilize *Jatropha curcas* for medicine and soap manufacture. Erosion management, soil enhancement, and renewable energy are all benefits of the *jatropha* system. The United Nations has praised and applauded rural Ethiopian women's use of indigenous expertise in using oxen to plough land for cultivation (Arefaine, 2019). Extrapolating from these examples, there is no denying that women have a wealth of knowledge in the areas of food production and processing, health, child care, food crop breeding, seed preservation, and the domestication and usage of wild edible plants. The knowledge is critical towards the sustainable economic development of the local communities.

In this regard, Indigenous knowledge is a valuable and effective resource in the lives of rural Africans, not just in science, agriculture, and medicine, but also in other areas such as education and cultural affairs. The rural woman is endowed with a unique understanding of how activities are carried out and a significant progress mode as a wife and mother in order to ensure the family's and society's survival (Collins, 2022). Their domestic business primarily contributes to the local economy's maintenance in order to promote long-term development (Collins, 2022). The downside, however, is that indigenous

knowledge has not been successfully integrated into development projects, particularly in South Africa (Van Wyk & Prinsloo, 2018).

Indigenous knowledge has not received the respect it deserves in development efforts. More significantly, Indigenous women rights should be recognised to improve the economic development of women. In this regard, the paper argues for the preservation and recognition of rural women and their use of indigenous knowledge in the development of South Africa, with a focus to reduce unemployment and poverty.

5. Ramifications of Undermining Indigenous Women Rights

The section outlines the consequences of undermining indigenous women rights in South Africa.

5.1. Hinders the Countries Future Economic Development

The undermining of indigenous women rights in South Africa increases unemployment and poverty. This is consequent to the fact that since 2019, 41.8 percent of households in South Africa were headed by women, accounting for nearly 7.2 million people. Female headed households (FHHs) have been on the rise, with previous studies indicating that FHHs had a greater poverty rate than male headed households (MHHs) (Posel and Rogan, 2012). Extreme poverty is a highly challenging feature of the South African economy, as seen by the increased frequency of female headship and significantly higher poverty among FHHs (Modiri, 2012). Therefore, limited employment and economic opportunities for women in rural areas have dire consequences towards the economic development of the country and contributes drastically to current and future unemployment.

Indigenous women will be denied the opportunity to positively contribute to their development and that of their children. Consequently, the country is denied an opportunity to benefit from these women's potential economic output. Likewise, the children in these FHHs are deprived of adequate resources to positively develop academically, socially and economically, thus, mutilating any potential in them to contribute to the future economic development of the country. Furthermore, the undermining of indigenous women rights to participate in the local economy compels these women to abandon their traditional source of income in search of formal employment (Tshishonga, 2019). The conundrum as the paper outlined is that women are marginalized in the formal employment sector. In the same vein, rural areas are characterised by a lack of socioeconomic development and infrastructure, as well as a scarcity of employment prospects. Consequently, these women

suffer double jeopardy as they are not able to participate both in the informal and formal economy and labour force.

5.2. High Crime Rate

The undermining of indigenous women rights deprives women in South Africa access to the economy and employment (Tshishonga, 2019). Consequently, as posited by Benoit, Unsworth, Healey, Smith and Jansson (2021), a woman's decision to engage in and persist in prostitution may be influenced by a lack of employment opportunities and an understanding of prostitution's potential for income. Selling sex is a quick and easy way to get money. Prostitution creates income from an economic standpoint. And, regardless of the item purchased, the primary motivation for becoming a prostitute could be the money it gives for the purchase of other commodities to provide for the children (Benoit, *et al.*, 2021). Against this backdrop, it is reasonable to justify that undermining indigenous women rights, through denying women access to the economy has the potential consequence of increasing the crime of prostitution.

In addition, women are generally prone to violence due to a lack of economic resources. Lack of economic resources perpetuates patterns of violence and poverty, making it extremely difficult for victims to extricate themselves (Rohn, 2021). Domestic violence against women is reduced by higher levels of education, better socioeconomic status, whereas drinking, unemployment and poverty all contribute to domestic violence (Rohn, 2021). Women from the weakest socioeconomic backgrounds, who live in rural areas and have little or no education are more likely to be subjected to domestic violence by their husbands or boyfriends (Fagan & Forst, 1993). In this regard, upholding indigenous women rights and promoting women empowerment has the potential to reduce domestic violence related crimes.

Likewise, the undermining of indigenous women rights has the potential to increase school dropouts. Without access to the economy, majority of children in FHHs are forced to drop out of school for want of resources and the need to enter the labor force in order to contribute to the financial needs of their families. De Lannoy, Graham, Patel and Leibbrandt (2020), argues that

“Unemployment rates are higher among people who do not have an upper secondary education People with at least an upper secondary education are more likely to have a job than those without this level of education.”

Extrapolating from this quote, with limited access to employment opportunities and low levels of education, most of these children resort to criminal activities, for example, drug abuse, prostitution, theft, robbery to mention a few.

5.3. Food Insecurity

Women's vulnerability is exacerbated by poverty and food insecurity. There is a strong correlation between hunger and gender inequalities. According to the Marginalized Groups Indicator 2019 report, 40,6 percent of female-headed families did not have an employed member. During this period, 11,1 percent of these female-headed households reported hunger, compared to 9,7 percent of male-headed households. In this regard, it is justifiable to argue that gender equality is a key factor in determining food security. Female-headed households are ordinarily characterised by malnutrition and illnesses and this causes death and diseases (depression, high Blood pressure) (Riley & Dodson, 2020).

6. Recommendations

The recognition of indigenous women rights in South Africa is pertinent to attain their rights and well-being while also lowering household poverty, enhancing employment, economic development and production, and improving efficiency. programs for development. In this regard, the paper recommends the following:

6.1. Economic Empowerment

One of the most effective ways for women to reach their full potential and promote their rights is through economic empowerment. Investing in women has a multiplier impact, as women reinvest a major amount of their earnings in their families and communities, in addition to supporting economic growth. Women also have a vital role in fostering peaceful and stable societies, which are critical for economic progress. Welfare and social security benefits, when properly and effectively administered to those indigenous women who are eligible, can help to reduce poverty to some extent and in the near term. However, to reduce poverty in a more comprehensive way, equal opportunities for all people to share in the country's wealth, growth, and prosperity must be developed. In this regard, the paper recommends that the government must endeavor to reform and invest in the informal sector and protect indigenous women's rights to their intellectual property.

6.2. Enforcement of laws for the protection of indigenous women workers

South Africa has ratified international and regional instruments protecting women's rights, and national statute laws tend to uphold the principle of gender equality. Nonetheless, as demonstrated in the paper, extensive

abuses of women's human rights are caused by the continuous enforcement of discriminatory customary laws and patriarchal norms. Women's rights legislation is ineffectively enforced. In this regard, the paper recommends that the government must take all necessary steps to improve women's employment opportunities, including addressing socio-economic and cultural factors and enforcing anti-sexual harassment legislation. In addition, the government must adopt all necessary measures to reform or eliminate cultural practices and prejudices that discriminate against women, including public awareness campaigns aimed at both men and women, traditional and community leaders, and the media.

6.3. Reconciling customary law and cultural practices with human rights

The paper recommends the abolishing of oppressive and discriminatory cultural practices and laws. The government must proceed to enact legislation to criminalise certain practices, stereotypes and laws that unconstitutionally discriminate against indigenous women. The enacted legislation must address a wide range of gender-related issues that affect indigenous women, including property rights, legal and economic rights, and women's special needs in terms of marriage, health, and education.

7. Conclusion

Existing socio-economic rights, as promised by the Constitution, remain inaccessible to the majority of women in South Africa, resulting in poverty perpetuation and increase, as well as feminisation. Furthermore, constitutional provisions of equality and non-discrimination, particularly for rural women, are only theoretical rights that have yet to be put into practice. What remains are the realities of women's daily lives, which are defined by a struggle for existence that is also influenced by declining socio-economic conditions and a lack of development. In conclusion, it is justifiable to argue that unless the equality and non-discrimination theory is translated into practice through the empowerment and socio-economic upliftment of women, indigenous women in South Africa will remain poor and marginalized. Consequently, South Africa will not be able to increase productivity and economic diversification.

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